

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11327 of 2020

Arising Out of PS. Case No.-217 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

SURESH TIWARI Son of Late Asarfi Tiwari Resident of Village-Banjariya,
P.S.-Mohammadpur, District-Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-06-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State, through Video Conferencing.

This application for grant of anticipatory bail arises out of Mohammadpur Police Station Case No. 217 of 2019, disclosing offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police raided the house of the petitioner and recovered 10.965 litres of illicit liquor from the said house of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the house in question was under construction and the same belongs to the joint family. He further submits that the petitioner



has got no criminal antecedent and the liquor has not been recovered from the conscious possession of the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, passed in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the same will be considered by the learned Court below on the same day without being prejudiced by the dismissal of the present application for anticipatory bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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