

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11339 of 2020**

Arising Out of PS. Case No.-84 Year-2019 Thana- LALIT NARAYAN UNIVERSITY  
District- Darbhanga

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GUDDU MAHTO Son of Khakhanu Mahto Resident of Muhalla - Balughat  
Machchharhatta, P.S.- University (LMNU), District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

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**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 University (LNMU) Police Station Case No. 84 of 2019,  
disclosing offence under Sections 272/273/34 of the Indian  
Penal Code and 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 4.35 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 police, at the time of search and seizure, did not follow the procedure prescribed under Section 100 Cr.P.C.. He further submits that at the time of raid, the petitioner was not present in his house and the copy of the seizure list was not provided to his family members residing in the said house.

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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