

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20214 of 2020

Arising Out of PS. Case No.-397 Year-2019 Thana- KAUWAKOL District- Nawada

Dinesh Manjhi, S/O Malhu Manjhi Resident of Village - Gandhi Dham,
Police Station - Kauakol, District - Nawada (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar- Advocate

For the Opposite Party/s : Ms. Asha Kumari- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 19-08-2020 The defects, as pointed out by the office, be ignored.

Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Kawakole P. S. Case No.397 of 2019 registered for the offences punishable under Sections 30(a), 37(c) of the Bihar Prohibition and Excise Act.

The prosecution report goes to show that 20 litres of Mahua liquor was recovered from the house of the petitioner.

Submission on behalf of the petitioner is that petitioner does not reside in the house from which the alleged recovery was made and the aforesaid fact has been admitted by



the informant in the written report as the informant has mentioned in that written report that at the time of alleged recovery from the house of the petitioner, no one was found in the said house.

Since the first information report goes to show that the alleged recovery has been made from the house of the petitioner, in my view, this anticipatory bail petition is not maintainable and, accordingly, this anticipatory bail petition stands dismissed being not maintainable.

However, it is made clear that this order shall not cause any prejudice to the concerned Court at the time of consideration of regular bail application of the petitioner.

(Hemant Kumar Srivastava, J)

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