

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17567 of 2020**

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Santosh Tiwari, son of Kamaldeo Tiwari, Resident of Village-Narhan Sarai,
P.S.-Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Ranjan, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-08-2020 Heard Sri Krishna Ranjan learned counsel for the

petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the

State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Karja P.S. Case No.277/2019 registered
for the offences under Sections 272 and 273 of the Indian Penal
Code and Sections 30(A) and 38 of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that
although the recovery of 125 liters of illicit liquor has been
shown from the 'Bathan' situated nearby the house of the
petitioner but the fact is that the said 'Bathan' is situated in an
open field having no room or door and there is no boundary
wall. It is also submitted that the petitioner has no criminal



antecedent and the seizure list does not contain signature of the petitioner or any of his family members.

On the other hand, learned A.P.P. for the State submits that there is no denial of the fact that the 'Bathan' belongs to the petitioner. The huge quantity of illicit liquor has been seized by police in presence of independent witnesses who have put their signature on the seizure list. It is also submitted that there being some *prima-facie* material connecting the petitioner with the place from where the huge quantity of illicit liquor has been recovered, in view of the Hon'ble Full Bench Judgment of this Court in the case of **Ram Vinay Yadav Vs. State of Bihar and Ors.** reported in **2019(2) PLJR 1089** anticipatory bail application need not be entertained.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the huge quantity of illicit liquor has been recovered from a place which is 'Bathan' of this petitioner and the fact that it belongs to the petitioner has not been denied, keeping in view the statutory provision which does not provide for grant of anticipatory bail and keeping in mind the judgment of Hon'ble Full Bench of this Court, I am not inclined to grant privilege of anticipatory bail to the petitioner. This application is, thus, dismissed.



In case, the petitioner surrenders and prays for regular bail in the court below within a period of six weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

