

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16619 of 2020**

Arising Out of PS. Case No.-184 Year-2019 Thana- BELSAND District- Sitamarhi

MD. SAMSHAD Son of Atabul Nadaf @ Atbul Mehea Resident of Village-
Madkaul, Ward No. 9, P.S.- Belsand, District- Sitamarhi, Pin-843316.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Shaheen Begum,APP

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

2 14-07-2020 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner, in the present case, is seeking anticipatory bail in connection with Belsand P.S. Case No. 184/2019 registered for the offences under Sections 30(a) of Bihar Prohibition and Excise Act 2016, pending in the court of learned Additional District and Sessions Judge – II – cum – Special Judge, Excise Act, Sitamarhi.

Learned counsel for the petitioner submits that only three liters of illicit liquor is said to have been recovered from the house of the petitioner and considering the quantity of liquor he may be granted privilege of anticipatory bail. Petitioner is otherwise no criminal antecedent.

Learned A.P.P. for the State has however opposed



the prayer for anticipatory bail of the petitioner. It is submitted that there is a prima-facie case against the petitioner.

Having regard to the facts and circumstances of the case wherein there is an allegation of recovery of illicit liquor from the house of this petitioner, in view of the judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav Vs. The State of Bihar** reported in **2019(2) PLJR 1089** this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

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

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

