

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17507 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- DARBHANGA District- Darbhanga

BABLU MAHASETH S/o Late Visho Mahaseth @ Vishwanath Mahaseth
Resident of Mohalla Basantganj, Shivaji Nagar, P.S.- Town, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Ugranath Mallik, learned counsel for the

petitioner and Mr. Abhay Kumar Roy, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with G.O.

Excise Case No. 172 of 2020 arising out of Darbhanga Town

P.S. Case No. 40 of 2020 registered for the offence punishable

under Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

The allegation against the petitioner is that the Police

raided hut like godown of the petitioner and recovered a total

quantity of 69.30 litres of illicit foreign liquor from the same.

Learned counsel for the petitioner submits that the

petitioner has not committed any offence in the manner alleged

and he has got no criminal antecedent. Learned counsel further



submits that the hut in question is situated in front of the house of the petitioner and the petitioner has no knowledge about recovery of illicit liquor from the same.

Having heard learned counsel for the parties and taking into consideration the materials on record and the seizure list, it appears that the illicit liquor has been recovered from the hut like godown of the petitioner, as such, in view of the Full Bench judgment of this Court reported in 2019 (2) PLJR 1089, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

However, the petitioner may surrender before the court below within 15 days and seeks regular bail which may be considered by the court below without being prejudiced to the fact that the present application of anticipatory bail has been rejected by this Court.

(Anil Kumar Sinha, J)

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