

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26889 of 2020**

Arising Out of PS. Case No.-80 Year-2020 Thana- BARHARA District- Bhojpur

DEEPU SAH S/o Dinesh Sah Resident of Village-Saraiya, Police Station-
Krishnagarh (O.P.), District-Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Shakir Ahmed, APP

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

2 06-11-2020 Heard learned counsel for the petitioner and Mr.
Shakir Ahmed, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Barhara P.S. Case No. 80 of 2020
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that
although there is an allegation in the First Information Report
that the illicit liquor has been recovered from the Veranda
(galiyara) of the house of this petitioner but the seizure list does
not show the name of this petitioner and his house as the place
of recovery. It is also submitted that the petitioner has got no
criminal antecedent.

On the other hand, learned APP for the State submits



that from the First Information Report itself it will appear that police had proceeded to conduct search on secret information that this petitioner has stored illicit liquor in his house for purpose of sale and on such information when the house of the petitioner was raided, from the Veranda of the house liquors were recovered.

Learned APP submits that under what circumstance the informant/I.O. has not recorded the correct place of recovery of illicit liquor is not known but the substances of the allegation in the FIR are very clear.

Having regard to the facts and circumstances of the case, wherein this Court has noticed that in the FIR the place of seizure is the house of this petitioner, considering the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 read with the judgment of the Hon'ble Full Bench in the case of **Ram Binay Yadav versus The State of Bihar** reported in **2019 (2) PLJR 1089**, this Court is no inclined to entertain this application. The prayer for anticipatory bail is, thus, refused.

In case the petitioner surrenders and prays for regular bail before learned court below within four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

The observation with regard to surrender in the court



below within four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

This application is disposed of accordingly.

(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'.

