

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24332 of 2020

Arising Out of PS. Case No.-104 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. RAM SOHAG KUMAR YADAV @ RAM SWARTH RAI S/O Mahesh Rai Resident of Village - Mahdaiya, Raghapur, P.S. - Minapur, District - Muzaffarpur.
2. Mahesh Rai S/o Late Ram Udar Rai Resident of Village - Mahdaiya, Raghapur, P.S. - Minapur, District - Muzaffarpur.
3. Lalan Kumar S/O Narain Rai Resident of Village - Talimpur, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Sinha
For the Opposite Party/s : Mr. Md. Arif

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners apprehend arrest in connection with Minapur Police Station Case No. 104 of 2020, registered for the offences punishable under Sections 272/273/414 of the Indian Penal Code and Sections 30 (a)/41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the house of the petitioners was raided and the police recovered a total quantity of 800 litres of spirit from the house in question and also recovered 215.52 litres of illicit liquor from the four



vehicles standing in front of the house of the petitioners.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case with oblique motive. He further submits that the house from where spirit has been recovered is the ancestral house of the petitioners and the same is joint family house and the petitioners are living in a rented house elsewhere.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit spirit/liquor has been recovered from the house of the petitioners. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioners and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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