

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27298 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- UJIYARPUR District- Samastipur

Ram Udesb Mahto @ Ram Upesh Mahto aged about 36 years, Son of Mishri Mahto Resident of Village- Chand Chour Mathurapur, Ward No. 1, P.S.- Ujiyarpur, District- Samastipur ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-11-2020 Heard learned counsel for the petitioner and the State through Video Conferencing.

Petitioner apprehends arrest in Ujiyarpur Police Station Case No. 63 of 2020 registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.

There is allegation of recovery of 336.06 liters of country made liquor from the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that no incriminating material has been recovered from the conscious possession of the petitioner and he is not concerned with the alleged recovered liquor. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not been followed. Petitioner has got no criminal antecedent.

Learned counsel for the State submits that as the recovery of illicit wine is from the house of the petitioner, the anticipatory bail petition is not maintainable under section 76(2)



of the Bihar Prohibition and Excise Act.

In view of the above, prayer for bail of the petitioner is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without being prejudiced by this order.

(Prabhat Kumar Singh, J)

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