

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27276 of 2020

Arising Out of PS. Case No.-64 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

Asharaf Mian @ Asaraf Ali Son Of Nakal Main Resident Of Village - Sirsa
Purana Tola, P.S.- Baikunthpur, District - Gopalganj

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Satyendra Rai, 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 Baikunthpur Police
Station Case No. 64/2020 registered for the offence punishable
under Section 30a of the Bihar Prohibition and Excise Act.

There is allegation of recovery of 9.800 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 rather the alleged illicit liquor has been recovered
from his joint family house. 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 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)

Shashi

U		T	
---	--	---	--

