

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27311 of 2020**

Arising Out of PS. Case No.-8 Year-2020 Thana- JOGAPATTI District- West Champaran

CHANDAN DHANGAD Son of Sri Jairam Dhangad Resident of Village-
Harpurwa, Dhangadpatti (Toli), P.S.- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.A.G.

**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 Jogapatti Police
Station Case No. 08/2020 registered for the offence punishable
under Section 30a of the Bihar Prohibition and Excise Act.

There is allegation of recovery of 5 liters of illicit
liquor from the thatched hut 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 a hut which does not belong to the petitioner. As per
paragraph 3, petitioner has got no criminal antecedent.

Learned counsel for the State submits that as the
recovery of illicit wine is from the hut of the petitioner, the
anticipatory bail petition is not maintainable as per section 76(2)
of the Bihar Prohibition and Excise Act, 2016.



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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