

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25001 of 2020

Arising Out of PS. Case No.-26 Year-2020 Thana- BAIRIYA District- West Champaran

VICKY SAH Son of Jag Mohan Sah Resident of Bagahi Ratanpura, P.S.-
Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-10-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner apprehends his arrest in connection
with Bairiya Police Station Case No. 26 of 2020, registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the house
of the petitioner was raided and the police recovered a total
quantity of 05 litres of illicit country-made liquor from the
house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case on the
disclosure made by the villagers. He further submits that the



petitioner is neither the owner of the alleged house nor he is residing therein.

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 liquor has been recovered from the house of the petitioner. Accordingly, in view of the aforesaid, a *prima facie* case is made out against the petitioner 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.

However, if the petitioner surrenders before the learned Court below within a period of four weeks from today and seeks regular bail, the learned Court below may consider his application for grant of regular bail on the same day without being prejudiced by rejection of the present application for grant of anticipatory bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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