

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24998 of 2020

Arising Out of PS. Case No.-165 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

=====

SUSHIL KUMAR YADAV @ SHUSIL KUMAR S/o Vindeshwari Yadav
Resident of Village/Mohalla-Shivpuri Ward No.14, P.S.-Saharsa, District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

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 Special (Excise) Case No. 165 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 2.7 litres of illicit liquor from the house of the
petitioner.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and has falsely been implicated in this case inasmuch as the illicit liquor has been recovered from the joint family property and other family members of the petitioner also reside in the house in question. He further submits that the petitioner has got no criminal antecedent and a very small quantity of liquor has been recovered from the house in question.

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/-

U	✓	T	✓
---	---	---	---

