

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28964 of 2020

Arising Out of PS. Case No.-1083 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

=====

TUNNA YADAV @ TUNNA RAI Son of Late Surat Rai Resident of Village-
Chapra Bahas, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.A.L. Pandit

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-12-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

This application, for grant of anticipatory bail, arises
out of Excise Case No. 1083 of 2019, disclosing offences under
Section 30 (a) of the Bihar Prohibition and Excise Act, 2016
(hereinafter referred to as ‘the Act’).

The prosecution case, as per the prosecution Report, is
that the premises of the petitioner was raided and a total
quantity of 341.565 litres of illicit liquor has been recovered.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case inasmuch as
illicit liquor has been recovered from a hut situated behind the



house of the petitioner and the same cannot be said to be the premises belonging to the petitioner. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the prosecution Report and the seizure list, it is apparent that the illicit liquor has been recovered from the premises belonging to the petitioner and as such, 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

