

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29911 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- MADHAURAH District- Saran

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PRADEEP RAI @ PRADIP KUMAR Son of Virendra Ray Resident of
Village- Bhuwalpur, P.S.- Marhaura, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr. Khursid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Marhaura Police Station Case No. 79 of 2020, disclosing offence under Sections 30/30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The allegation against the petitioner, as per the First Information Report, is that the police recovered 132.12 litres of illicit liquor from the alamirah kept inside the room of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the procedure prescribed for search and seizure under Section 100 of the Code of Criminal Procedure, 1973 has not been



followed and no independent witness of the locality has not put his signature on the alleged seizure list.

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, on perusal of the First Information Report and the seizure list, 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/-

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