

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85847 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

Vijay Paswan, Son of Late Chhathu Paswan Resident of Village - Rampur
Raut, Samrat Chowk, P.S.- Kusheshwar Asthan, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
G.O. Case No.990 of 2019, arising out of Kusheshwar Asthan
P.S. Case No.232 of 2019, registered for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise Act.

The allegation against the petitioner is that the house
of the petitioner was raided and total quantity of 6.300 litres of
illicit liquor has been recovered from the house of the petitioner.

Mr. Rajesh Kumar, learned counsel appearing for the
petitioner submits that petitioner has falsely been implicated in
this case inasmuch as the police has not adhered to the
provisions of Section 100 Cr.P.C. while making the seizure of



the liquor allegedly recovered from the house of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that from perusal of the first information report and the seizure list, it is evident that the illicit liquor has been recovered from the house of the petitioner and in view of the law laid down by Full Bench in a Judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, the anticipatory bail is not maintainable. Accordingly, the same is rejected.

However, if the petitioner surrenders before the Court below within a period of 15 days and prays for regular bail, the same may be considered by the learned Court below on the same day without being prejudiced with the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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