

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13685 of 2020

Arising Out of PS. Case No.-275 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

=====

Nagendra Singh, aged about 46 years, Male Son of Late Lal Bahadur Singh
Resident of Village - Jai Chapra, P.S. - Manjhi, District - Chapra (Saran).

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 28-10-2021 Heard Mr. Binod Murari Mishra, learned counsel
appearing on behalf of the petitioner and Mr. Parmanand
Kumar, learned counsel appearing on behalf of the State.

The petitioner apprehends arrest in connection with
Excise Case No. 275 of 2019 registered for offence punishable
under Section 30 (a) of the Bihar Prohibition and Excise Act,
2016 pending in the Court of the learned Special Judge, Excise,
Saran at Chapra.

As per the allegation of Excise Officials during course
of raid the police recovered 8.640 litres foreign liquor which
was kept hidden in the varandah of the house of the petitioner
and the seizure list was prepared in presence of the two
independent witnesses.

From perusal of the records, it transpires that the
petitioner is named in the FIR and the police recovered 8.640



litres of illegal english wine in presence of the two independent witnesses. Learned counsel for the petitioner states that the recovery is not from the conscious possession.

Learned APP submitted that the recovery is from the varanda of the petitioner.

In view of the Full Bench decision of this Court in case of **Ram Vinay Yadav Vs. The State of Bihar**, reported in **2019 (2) PLJR 1089 (F.B.)** and the provision under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 this application for anticipatory bail is not maintainable.

This application is accordingly dismissed as not maintainable.

However, the petitioner may surrender before the Court below and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Purnendu Singh, J.)

Anand Kr.

U		T	
---	--	---	--

