

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31459 of 2020

Arising Out of PS. Case No.-175 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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DILIP CHAUDHARY S/o Sukh Nandan Chaudhary Resident of Village-
Daulatpur, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2021 Heard Mr. Vasant Vikas, learned counsel for the

petitioners and Mr. Brajendra Nath Pandey, Additional Public

Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Vaishali C2A Case No. 175 of 2017 registered for the offence

punishable under Sections 30(a)/35(a)/37(b) and 37(d) of Bihar

Excise (Prohibition) Amendment Act.

3. The allegation, as per prosecution case, is that 100

ML of illicit liquor has been recovered from the hotel of the

petitioner.

4. Learned counsel for the petitioner submits that the

petitioner has not committed any offence in the manner alleged

and he has falsely been implicated in this case by the excise



officials. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioner and two other accused persons, consuming illicit liquor in his hotel, were arrested by the excise officials at the time of raid.

5. Having regard to submissions made by the parties and taking into consideration the material on record and the fact that the illicit liquor has been recovered from premises of the petitioner and keeping in view the Full Bench decision passed in the case of *Ram Vinay Yadav v. State of Bihar* in *Cr. Appeal (SJ) No. 431/2019*, I am not inclined to grant anticipatory to the petitioner. Accordingly, the same is rejected.

6. However, if the petitioner surrenders before the court below and seeks regular bail, the same may be considered on its own merit without being prejudiced to the instant order.

(Anil Kumar Sinha, J)

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