

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3506 of 2021

Arising Out of PS. Case No.-405 Year-2018 Thana- BIHTA District- Patna

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SURYADEV KUMAR @ SURDEV KR. Son of Raghunath Rai R/o
Pathlautiya, P.S.- Bihta, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Anand Mohan Pd. Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-11-2021 Heard the parties.

The petitioner apprehends his arrest in connection with Special Case No. 3855/2020 arising out of Bihta P.S. Case No.405/2018, registered for the offence punishable under Section 30 (A) of the Bihar Prohibition and Excise Act, 2016.

It is contended by learned counsel for the petitioner that there is recovery of Mahua liquor from the open place and the petitioner was not caught on the spot. It is further contended that the co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court.

In my view, there is huge quantity of Mahua liquor was recovered and the petitioner was involved in manufacturing the said liquor.



In view of the fact that prima facie a case under the Excise Act, is made out against the petitioner, this application for grant of anticipatory bail to the petitioner is not maintainable in view of Full Bench decision of this Court rendered in the case of ***Ram Vinay Yadav vs. The State of Bihar*** reported in **2019 (2) P.L.J.R. 1089 (FB)**.

Accordingly, this application is dismissed as not maintainable.

If the petitioner surrenders and prays for regular bail before the Court below within a period of four weeks from today, the Court below will consider the same without being prejudiced by the fact that the anticipatory bail application of the petitioner has been rejected by this Court. The Court below shall also consider the fact that there is no recovery from the conscious possession of the petitioner and only on suspicion he has been made accused in this case.

(Sandeep Kumar, J)

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