

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 38862 of 2020

Arising Out of PS. Case No.-414 Year-2020 Thana- CHANPATIA District- West Champaran

1. Rajesh Dhangar, about 20 years, Male Son of Sri Prabhu Dhangar @ Prabhu Dhangar.
2. Prabhu Dhangar, about 42 years, Male Son of Sri Shivbachan Dhangar.
Both resident of Village- Lohiariya, Dhangar Toli, P.S.- Kumarbag O.P.,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :	Mr. Anand Kishore Chaudhary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-10-2021 Heard Mr. Abhishek Kumar, learned counsel
appearing on behalf of the petitioners and Mr. Anand Kishore
Chaudhary, learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection
with Chanpatia (Kumarbag O.P.) P.S. Case No. 414 of 2020,
dated 18.08.2020 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, West
Champaran at Bettiah.

The allegation made in the FIR in brief are that on
18.08.2020 at about 6.30 PM, the informant PSI Sujeet Das,
SHO of Kumarbag O.P. submitted written report before the



S.H.O of Chanpatia PS alleging that on 18.08.2020 at about 3.15 PM, while the informant along with police team was engaged in checking at Kudia Kothi Chowk, he was asked by his ASP Sri Shiv Kumar Rao to come and conducting raid at the houses of the persons dealing in illicit liquor. In the presence of two witnesses namely, Ramsurat Paswan and Manoj Kumar, raid was conducted on Dhangar Toli and on search from the house of petitioner no. 1 namely Rajesh Dhangar, 13 liters of illicit country made liquor, one H.P. Gas Cylinder, one oven, three aluminum pots including one with hole from the bottom with pipe was fixed in the hole. From the house of petitioner no. 2 namely, Prabhu Dhangar, 14 liters of illicit country made liquor, one H.P. gas Cylinder, two aluminum pots were seized. There upon seizure list was also prepared in front of the two independent witnesses.

Learned counsel for the petitioners submits that nothing incriminating was recovered from the conscious possession and the alleged recovery has not been made from the house of the petitioners.

Learned counsel appearing on behalf of the State submits that from bare perusal of the seizure list, the recovery has been made from the house of the petitioners.



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 cannot be maintained.

This application is accordingly dismissed as not maintainable.

However, the petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they does so, their 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.

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