

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6709 of 2021

Arising Out of PS. Case No.-454 Year-2018 Thana- ROSERA District- Samastipur

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BINDESHWAR SINGH @ BINDESHWAR MANDAL SON OF LATE
SAHDEV MANDAL RESIDENT OF VILLAGE - RANI PARTI, THIKA
WARD NO. 9, POLICE STATION - ROSERA, DISTRICT - SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-02-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Rosera Police Station Case No. 454 of 2018, registered for
the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

This is the second attempt for grant of anticipatory
bail on behalf of the petitioner. Earlier, the prayer for
anticipatory bail of the petitioner was dismissed as withdrawn,
vide order, dated 09.07.2019, passed in Criminal Misc. No.
15099 of 2019.

The allegation, as per the First Information Report, is
that the Police recovered a total quantity of 213.84 litres of



illicit liquor from the house of the petitioner.

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 with oblique motive. He further submits that the petitioner has no knowledge that illicit liquor has been kept in his house. He also submits that the petitioner is living separately from co-accused persons and illicit liquor has not been recovered from his conscious possession. He further submits that all these facts were not brought to the notice of this Court while pressing the first anticipatory bail application.

After having heard learned Counsel for the parties and taking into consideration the fact that earlier, the anticipatory bail application of the petitioner was dismissed as withdrawn and the present anticipatory bail application has been preferred by the petitioner without any subsequent development in the matter and from perusal of the First Information Report and the seizure list, it would be evident that illicit liquor has been recovered from the house of the petitioner, and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to entertain this second anticipatory bail



application.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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