

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30033 of 2021**

Arising Out of PS. Case No.-121 Year-2020 Thana- GOVT. OFFICIAL COMPLAINT CASE  
District- Sheikhpura

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SHUBHAM KUMAR Son of Late Manoj Saw Resident of Village - Mohalla  
- Mahadeo Nagar, P.S.- Sheikhpura., Distt.- Sheikhpura. ... .. Petitioner/s  
Versus

The State of Bihar ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sheo Nandan Prasad  
For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      11-02-2022                      This matter has been taken up for hearing online  
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned  
APP for the State.

Learned counsel for the petitioner is expected to  
honour his undertaking to remove the defects as pointed out by  
the office when called upon to do so by the office.

The instant application for anticipatory bail has been  
filed by the petitioner apprehending his arrest in connection  
with Excise Case no. 121 of 2020 instituted for the offence  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

Prosecution case relates to recovery of 34.5 litres  
country made wine from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that the alleged house belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

**(Sunil Kumar Panwar, J)**

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