

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30902 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- DURAULI District- Siwan

CHOTELAL SAHNI Son of Late Basawan Sahni Resident of Village -
Khairati Udho, P.s.- Darauli, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-09-2022 Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in a case registered for the offence under Section 30(a)/41(i) of Bihar Prohibition and Excise Act.

60 liters of country-made liquor has been recovered from the house of this petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner and he has been made accused only on suspicion. The house in question does not belong to this petitioner.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that from perusal of FIR as well as seizure list, it would appear that recovery has been made from the house of this petitioner.



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 (F.B.)**.

Accordingly, this anticipatory bail application is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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