

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.41159 of 2022**

Arising Out of PS. Case No.-108 Year-2021 Thana- RISIYAP District- Aurangabad

ANAND KUMAR SON OF LATE KULDEEP YADAV R/O VILLAGE-  
LOHAR CHAK, P.S.- KUTUMBA, DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ranjit Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

- 2      30-09-2022      Heard learned counsel for the petitioner and the State.
- Petitioner apprehends his arrest in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition & Excise Act.
- As per the prosecution case, 49.2 liters of illicit liquor has been recovered from a motor cycle of which this petitioner is registered owner.
- Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. It is submitted that without the knowledge of the petitioner the vehicle in question was being used in transporting liquor. Petitioner has got clean



antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that huge quantity of liquor has been recovered from a motor cycle of which this petitioner is registered owner.

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)**

BKS/-

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