

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43207 of 2022**

Arising Out of PS. Case No.-204 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Muzaffarpur

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JANAK CHAUDHARY S/O LATE CHATURBHUI CHAUDHARY Resident  
of village- Bibiganj, Ward No- 7, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav  
For the Opposite Party/s : Mr.Syed Mojibur Rahman

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

2      14-10-2022                      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, 15 liter of toddy has been  
recovered from the house of this petitioner.

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. Petitioner has got clean  
antecedent.

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)**

BKS/-

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