

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45593 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- TAJPUR District- Samastipur

Sarbesh Sah @ Sarbes Son of Nandu Sah Resident of Village - Chaklali Sahi,
P.s.- Tajpur (Halai OP), Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, 1 liter foreign liquor was recovered from the hotel of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case by the owner of the land. No incriminating material has been recovered from the conscious possession of the petitioner and he has not connected with the recovery in any way. Petitioner has got no criminal antecedent.

Learned counsel for the State submits that 1 liter foreign liquor was recovered from the hotel of the petitioner. He



further submits that 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.)

Considering the aforesaid facts, prayer for bail of the petitioner is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without being prejudiced by this order.

(Prabhat Kumar Singh, J)

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