

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7338 of 2023

Arising Out of PS. Case No.-406 Year-2022 Thana- MADHUBAN District- East Champaran

Jai Kumar Sah Son Of Ramchandra Sah R/V- Kothiya, P.S.- Madhuban,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehend his arrest in a case registered for the offence punishable under sections 272, 273 of the Indian Penal Code and Section 30(a), 32, 41(i) of the Bihar Prohibition and Excise Act.

There is recovery of 698.76 liters of foreign wine was recovered from the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from the possession of petitioner. He has clean antecedent.

Learned counsel for the State submits that the recovery has been made from the house of the petitioner.

Considering the fact that the recovery of alcohol has



been made from the house of 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)

Kaushik/Ajay-

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