

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12138 of 2023**

Arising Out of PS. Case No.-633 Year-2020 Thana- SARAIYA District- Muzaffarpur

DHARMENDRA SAHNI @ DHARMENDRA KUMAR Son of Bharat Sahni
R/v- Bahilwara, Govind, Laxmipur, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Amit Kumar Jha, Advocate

For the Opposite Party : Ms/Mrs. Pushpa Sinha, Addl Public Prosecutor

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

2 01-05-2023 Heard learned counsel for the petitioner and the State.

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

As per the prosecution case, 183.405 liters foreign liquor 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 material has been recovered from the conscious possession of the petitioner and he is no way connected with the aforesaid recovery. Petitioner has got no criminal antecedent.

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



such, this pre-arrest bail petition 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 decision of this Court, this pre-arrest bail petition is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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