

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20325 of 2023**

Arising Out of PS. Case No.-12 Year-2023 Thana- SALAIYA District- Aurangabad

RAJA CHOUDHARY Son of Jattu Choudhary Resident of Village - Chei,
P.S.- Salaiya, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Nityanand, Addl. Public Prosecutor

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

2 15-05-2023 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 (Amendment) Act, 2018.

Prosecution case is that 90 litres of illicit 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. The recovery has been made from the house which is in joint possession of the family. Petitioner has got no criminal 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 illicit liquor 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)

Alok Verma/-

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