

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20561 of 2023**

Arising Out of PS. Case No.-478 Year-2022 Thana- FATUA District- Patna

SAURABH KUMAR S/o- DHANANJAY MISTRY @ DHANJAY MISTRI
Village- Gram Baruna Po- Fatuha Ps- Fatuha Dist- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, 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 Sections 399,402,414,420 of IPC and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Section 25(1-b)a/26/35 of the Arms Act.

Prosecution case is that 3 liters of country made 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 opposes the prayer for bail and 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)

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