

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30265 of 2023**

Arising Out of PS. Case No.-129 Year-2023 Thana- ARA NAWADA District- Bhojpur

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KAMAL @ MANGARU S/O LATE RAJKUMAR MESTAR Resident of
Village- Ara Nawada, P.S.- Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

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

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

2 19-05-2023 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 Act- 2016.

Prosecution case is that 240 liters of country mahua
liquor was recovered from the house of the petitioner.

It is submitted 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.



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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