

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35395 of 2023

Arising Out of PS. Case No.-961 Year-2022 Thana- MANER District- Patna

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1. Dipu Kumar S/O Mahender Rai R/O Village- Maner Tola Par, P.S- Maner, Distt.-Patna.
 2. Vishal Kumar S/O Mahender Rai R/O Village- Maner Tola Par, P.S- Maner, Distt.-Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Manoj Kumar, Advocate
For the Opposite Party : Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 21-07-2023 Heard learned counsel for the petitioners and the State.
2. Petitioners apprehend arrest in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.
3. As per the prosecution case, 74.895 liters illegal liquor was recovered from the house of the petitioners.
4. Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of these petitioners and they are no way connected with the aforesaid recovery. Petitioners have got no criminal antecedent.
5. Learned counsel for the State submits that the



recovery has been made from the house of the petitioners, 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.)**.

6. 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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