

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35525 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- JALALPUR District- Saran

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1. NAGENDRA NAT Son of Jawahar Nat Resident of village - Mangolapur Nat Tola, P.S. - Jalalpur, Distt. - Saran (Chapra)
 2. Satyendra Nat Son of Jawahar Nat Resident of village - Mangolapur Nat Tola, P.S. - Jalalpur, Distt. - Saran (Chapra)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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 Sections 341, 323, 427, 353, 337/34 of the IPC and 30 (a) of the Bihar Prohibition and Excise Act.

3. Prosecution case is that 2 liters of country made mahua liquor was recovered from the house of the petitioner No.1 and 8.5 liters of country made mahua liquor was recovered from the house of the petitioner No.2.

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 the petitioners and they are no way connected with the aforesaid recovery.

5. Learned counsel for the State submits that the recovery has been made from the house of the petitioners.

6. Considering the fact that the recovery of alcohol has been made from the house of the petitioners, this application for grant of anticipatory bail to the petitioners 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.).

7. Accordingly, this anticipatory bail application is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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