

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41886 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- KHAJANCHI HAT District- Purnia

SHAMIM AKHTAR @ MD. SHAMIM S/O LATE SK. KHALIL R/O
Village- Oli Tola, Ward No.-04, P.S- Madhubani (T.O.P), Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 08-08-2023 1. Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in a case registered for the offence punishable under Sections 272/273 of the I.P.C and 30 (a) of the Bihar Prohibition and Excise Act- 2016.
3. Prosecution case is that 173.385 liters of country mahua liquor was recovered from the house of the petitioner.
4. 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.
5. 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.).

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

(Prabhat Kumar Singh, J)

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