

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42790 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- ATRI District- Gaya

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UMESH CHAUHAN son of Khemchan Chauhan Village- Jiri Ps- Atri Po- Jiri
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar , Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 07-08-2023 1. Heard learned counsel for the petitioner and the
State.
2. Petitioner apprehends arrest in a case registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act- .
3. Prosecution case is that 10 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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