

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45360 of 2023

Arising Out of PS. Case No.-96 Year-2016 Thana- BARH District- Patna

SANJAY KUMAR @ GABBAR @ SANJAY PRASAD SON OF LATE
KRISHNA RAM @ KRISHNA PRASAD RESIDENT OF VILLAGE
-SALEMPUR, WARD NO 12, PS- BARH, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : **Mr. Sucheta Yadav , Addl. Public Prosecutor**

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-08-2023 1. Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Section 47(a) of the Bihar Prohibition and Excise Amendment Act.

3. Prosecution case is that 28 liters of liquor of different brands was recovered from the shop of the petitioner.

4. 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.

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 own shop 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)

Kaushik/-

U		T	
---	--	---	--

