

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46280 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- SARAI RANJAN District- Samastipur

VIKKI JHA @ VIKKI KUMAR JHA S/O NAVIKANT JHA R/O Village-
Madhuvan Karihara, P.S- Sarairanjan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Sarairanjan PS Case No. 20 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act 2016.

3. A total quantity of 693.27 liters of illicit foreign liquor has been recovered from house of the petitioner as per the prosecution case.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and the illicit liquor has not been recovered from his conscious possession but the same has been recovered from the joint house of the petitioner, where other family members also reside.

5. I have heard learned counsel for the parties. From



perusal of the seizure list it is apparent that illicit liquor has been recovered from the house of the petitioner and as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail application in such cases is not maintainable. Accordingly, in view of the law laid down by Full Bench in CR. APP. (SJ) No. 431 / 2019, I am not inclined to grant anticipatory bail to the petitioner.

6. The prayer for grant of anticipatory bail is rejected.

7. However, if the petitioner surrenders and seeks regular bail, the learned Special Court shall consider the same without being prejudiced by the fact that anticipatory bail application of the petitioner has been rejected by this court.

(Anil Kumar Sinha, J)

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