

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49558 of 2023

Arising Out of PS. Case No.-389 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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ANIL KUMAR SON OF LATE SHYAM SUNDAR SAH R/O-BALUWA
CHIKPATTI, P.S.-MOTIHARI TOWN, DISTT.-EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar
For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Town Police Station Case No. 389 of 2023, dated 23.05.2023, disclosing offence under Sections 30(a)/32/41(i) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner is dealing in illicit liquor, reached the house of the petitioner and on seeing police party one person succeeded in fleeing away. Upon search, police recovered 16.500 liters of illicit Nepali liquor from behind the backside door of the house



of the petitioner.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due previous criminal antecedents and dirty local politics. He further submits that illicit liquor has not been recovered from the conscious possession of the petitioner and the joint family property, from where illicit liquor has been recovered, does not solely belongs to the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has criminal antecedent and from seizure list it apparent that illicit liquor has been recovered from the house of the petitioner 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 in such cases in not maintainable. Accordingly, in view of the law laid down by the Full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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