

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51235 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SANJAY PASWAN Son of Lakkichandra Paswan Resident of Village-
Aasinpur, Dhurlak, P.S.-Samastipur Muffasil, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari , Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 18-08-2023 1. Heard learned counsel for the petitioner and the

State.
2. Petitioner apprehends arrest in a case registered for
the offence punishable under Sections 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act 2022.
3. As per the prosecution case, 3 liters Indian made
foreign liquor was recovered from the house of the petitioner.
4. It is submitted on behalf of the petitioner 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.
5. Learned counsel for the State submits that the



recovery has been made from the house of the petitioner.

6. 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.)*.

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

(Prabhat Kumar Singh, J)

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