

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55867 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

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ROHIT MANDAL SON OF DEONARAYAN MANDAL RESIDENT OF
MOHALLA- LAKSHMINIYA KADWA, P.S. DHOLBAZZA (KADWA
O.P.), DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad , Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-08-2023 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 Amendment Act.

3. As per the prosecution case, 29.25 liters country
made 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.

5. Learned counsel for the State submits that the
recovery has been made from the house of the petitioner, as



such, this pre-arrest bail petition 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. Considering the aforesaid decision of this Court, this pre-arrest bail petition is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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