

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56477 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan

LOHA NAT Son of Late Channu Nat Resident of Village-Dhanpura, P.S.-G.B.
Nagar, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the learned counsel for the petitioner and the
State.

2. The petitioner seeks bail, apprehending his arrest, in connection with G.B. Nagar P.S. Case No. 09 of 2023, registered for the offences punishable under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 9 litres of country made liquor was recovered from the house of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that recovery of illicit liquor has been made from the joint family house.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for



anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail and submits that recovery of illicit liquor has been made from the house of the petitioner. Hence, *prima facie*, case under the Bihar Prohibition and Excise Act is made out against the petitioner and the present anticipatory application is not maintainable.

8. Considering the aforesaid facts and circumstances, *prima facie*, case under the Bihar Prohibition and Excise Act is made out against the petitioner. Hence, the present anticipatory bail application is not maintainable.

9. Accordingly, the present anticipatory bail application is dismissed as not maintainable.

(Jitendra Kumar, J)

Amrendra/-

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