

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64242 of 2023

Arising Out of PS. Case No.-452 Year-2023 Thana- BIHAR District- Nalanda

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SAURABH KUMAR @ SARAUV KUMAR SON OF MAHESH SAO
VILLAGE- BANAULIYA, PS- BIHAR, DIST- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad , Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-10-2023 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 2022 .

3. As per the prosecution case, 27.330 liters of foreign 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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