

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1786 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

Prabhu Rai Son Of Chander Rai R/O Vill.- Dehri, P.S.- Bhagwanpur Hat,
Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-05-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Bhagwanpur Hat P.S. Case No.195 of 2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act.

As per FIR, 20 liters Mahua liquor was recovered
from the Karkat house of the petitioner.

Learned counsel for the petitioner submitted that
petitioner has falsely been implicated in this case. It is further
submitted that petitioner was neither arrested on the spot nor
any incriminating material has been recovered from his
conscious possession. It is further submitted that petitioner has
got one criminal antecedent as stated in para-3 of this



application. There is no compliance of section 100(4) of the Cr.P.C.

Learned APP for the State opposes the prayer for bail.

Considering the fact that illicit liquor has been recovered from the house of the petitioner, I am not inclined to grant privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail stands rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today, and pray for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner, preferably, on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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