

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10594 of 2024

Arising Out of PS. Case No.-359 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

Manish Kumar Son Of Kuleshwar Yadav @ Kuleshar Yadav Village-
Matihani Ps -Magadh University District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, 25 liters country-made
liquor has been recovered from the house of this petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case on suspicion. No incriminating material has been recovered
from the conscious possession of the petitioner. The recovery
has been made from the house, which is in joint possession of
the family and petitioner has got no concern 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 anticipatory 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 anticipatory bail petition is dismissed as same is not maintainable.

(Prabhat Kumar Singh, J)

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