

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18652 of 2024**

Arising Out of PS. Case No.-34 Year-2024 Thana- Excise P.S. District- Begusarai

Bablu Kumar, Son of Sheonandan Sah, Resident of Village-Ulao Machha,  
P.S.-Singhaul, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      24-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Excise P.S. Case No. 34 of 2024, registered on 23.01.2024 for the offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, police received secret information about petitioner and co-accused storing illicit liquor in their house and trading in it. A raid was conducted and co-accused Shyam Kumar was apprehended. From the possession of the apprehended co-accused, 5.250 litres of foreign liquor was recovered from a plastic bag. From a secret basement, recovery of 23.265 litres of illicit foreign liquor was made. The petitioner is stated to have escaped from the spot when the raid



was being conducted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is evident that the recovery was made from the courtyard of the house of the petitioner beneath a '*naad*'. Name of the petitioner came up in this case merely on suspicion on the basis of disclosure of co-accused Shyam Kumar. Seizure list has not been prepared in accordance with the provision of Criminal Procedure Code. There is no recovery from the conscious possession of the petitioner and for this reason there could be no application of provision of Bihar Prohibition and Excise Act. Petitioner is accused in another case of similar nature and he is on bail in that case.

5. Learned APP vehemently opposes the prayer for anticipatory bail. Learned APP submits that recovery has been made from the secret place in the house of the petitioner and the brother of the petitioner was apprehended though the petitioner fled away from the spot. Learned APP also submits that recovery of illicit liquor was made from the house of the petitioner so the petition for anticipatory bail is not maintainable.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that recovery has been made from the house of the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

**(Arun Kumar Jha, J)**

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