

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22125 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- BELAGANJ District- Gaya

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1. Fulwa Devi @ Fula Devi W/o Ramchander Manjhi R/O VILLAGE BELADIH BHUI TOLI PS BELAGANJ DIST GAYA
 2. Bhola Manjhi S/o Late Ganesh Manjhi R/O VILLAGE BELADIH BHUI TOLI PS BELAGANJ DIST GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their 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, 10 liter country-made Mahua wine has been recovered from the house of these petitioners.

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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