

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24152 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- GAYA KOTWALI District- Gaya

Manish Kumar @ Bauna @ Pappu S/o Lalan Prasad R/o Village Pintu Pachak
Gali P.S. Kotwali Dist Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-05-2024 Heard learned counsel for the petitioner and Sri
Pramod Kumar Pandey, 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, 16 liters cane beer has
been recovered from *Khandernuma* (old) house, which is
situated under 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 and he has got
no concern with the alleged recovery. Petitioner claims clean
antecedent.



5. Learned counsel for the State submits that the recovery has been made from the old house, which is situated under the house of petitioner, and 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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