

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31852 of 2024

Arising Out of PS. Case No.-720 Year-2023 Thana- KAUWAKOL District- Nawada

Prakash Yadav Son of Jogi Yadav Resident of Village - Madhurapur, P.S.-
Kawakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-05-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Kawakole Police Station Case No. 720 of 2023, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 (hereinafter referred to as ‘the Act’).
3. The prosecution story, as per the First Information Report, is that the informant being the police personnel, got information that petitioner is selling illicit liuqor from his house. When the informant reached there, he saw two persons fleeing away. On search of the house, 20 ltrs. of illicit liquor has been recovered.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case. Learned



Counsel further submits that the illicit liquor has not been recovered from his possession rather it has been recovered from the joint residential house of the petitioner.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioner. Accordingly, a *prima facie* case is made out against the petitioner under Section 30(a) of the Act, as such, in view of the Full Bench judgment of this Court, in ***Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)***, I am not inclined to exercise my discretion for grant of anticipatory bail.

6. This application is, accordingly, dismissed, however the petitioner is granted liberty to surrender and seek regular bail from the learned court of Exclusive Special Excise Court-2, Nawada. If bail application is filed by the petitioner within four weeks, the concerned court may decide the same on the same day without being prejudiced that anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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