

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38629 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Suman Sah Son Of Late Chhotelal Sah Resident Of Village, Pipra Narayan,
P.S- G.B. Nagar, District Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with G.B. Nagar P.S. Case No. 301 of 2023 registered on 01.08.2023 for the alleged offences under Section 30(a), 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received information about petitioner keeping country made liquor in his house and selling it. A raid was conducted in the house of the petitioner and a person fled away from the spot. The neighbourhood people who assembled there disclosed the name of the petitioner as the escaped miscreant. In presence of two independent witnesses the house of the petitioner was searched and recovery of 10 litre of country made liquor was made from the courtyard of the house from the plastic can.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the F.I.R. that at the time of recovery petitioner was not present at the spot. The house from where recovery has been shown is a joint family house and the petitioner has no concern with the seized illegal liquor. The offence under Excise Act are not maintainable against the petitioner who is having no criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that recovery has been shown from the house of the petitioner and in such circumstances anticipatory bail petition is not maintainable.

06. Having regard to the facts that police recovered illicit liquor from the house of the petitioner, it cannot be said that no *prima facie* case is made out against the petitioner. Hence, I do not think it is a fit case for grant of anticipatory bail.

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

(Arun Kumar Jha, J)

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