

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44516 of 2023

Arising Out of PS. Case No.-12 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

=====

Chandan Singh @ Chandan Kumar Singh son of Late Bhola Singh Village-
Khaira Ps- Bahadurpur Pator OP Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mrs.Indu Kumari Srivastava

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under Section 47(a) of the Bihar
Prohibition and Excise Act.

3. As per the prosecution case, 86 liters of hooch
alongwith 900 ml. of illegal liquor has been recovered from the
house of this petitioner.

4. Learned counsel for the petitioner submits that no
incriminating article 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.
Petitioner has got clean antecedent.



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)

anay/-

U		T	
---	--	---	--

