

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.46487 of 2024

Arising Out of PS. Case No.-400 Year-2024 Thana- BIHAR District- Nalanda

Sanjay Yadav @ Sanjay Kumar S/o Lakhan Gope R/O VILLAGE GAURAGARH, POLICE STATION BIHAR, DISTRICT NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2      07-08-2024      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 Bihar Police Station Case No. 400 of 2024, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case as per the First Information Report, is that the Police raided the house of the petitioner and recovered 8 litres of illicit country-made liquor from a room inside the house of the petitioner.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on suspicion and the house, from which illicit country-



made liquor has been recovered, several other members also reside. He further submits that at the time of seizure, no person was found inside the house. He next submits that there is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

5. After having heard learned Counsel for the parties concerned 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, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision 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.
7. However, if the petitioner surrenders within a period of four weeks from today and seeks regular bail, the concerned District Court may decide the same on the same date keeping in view that small quantity of liquor has been recovered and the petitioner is having no



criminal antecedent.

(Anil Kumar Sinha, J.)

R.R Sinha/-

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