

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53658 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Badem P.S. District- Aurangabad

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MONU SINGH SON OF DINESH SINGH RESIDENT OF VILLAGE AND
P.S. - BADEM, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Singh , Advocate

Mr. Vijay Kumar, Advocate

Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 231-08-20241. Heard the parties.
2. The petitioner apprehends his arrest in connection with Badem P.S. Case No. 19 of 2024 (G.R. No. 273 of 2024) registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018.
3. As per the prosecution case 01 liter of illicit liquor has been recovered from a Passion Pro Motorcycle bearing registration No. BR24K-1294 and the apprehended pillion rider Pramendra Kumar disclosed that he along with the motorcycle driver – Kallu had come to deliver the consignment of foreign



liquor to the petitioner / Monu Singh and upon search, from the house of Monu Singh 04 liters of Jharkhand made Kingfisher Strong Premium Beer has been recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case by the Police due to oblique motive. He submits that no illicit liquor has been recovered from the conscious possession of the petitioner. He further submits that during search and seizure, the procedures prescribed under Section 100 Cr.P.C. has not been followed.

5. I have heard learned counsel for the petitioner and perused the the materials available on record. From perusal of the F.I.R. and the seizure list it is apparent that illicit foreign liquor, though in small quantity, has been recovered from the house of the petitioner. In view of the Full Bench judgment of this Court passed in Cr. Appeal (SJ) 431 of 2019, anticipatory bail application is not maintainable. Accordingly, I am not inclined to extend the privilege of anticipatory bail to the petitioner. The prayer for the same is rejected.

6. However, taking into consideration the small quantity of liquor recovered from the house of the petitioner, if the petitioner surrenders before the learned District Court and seeks regular bail, the learned court below may consider the same on



its own merit on the same day without being prejudiced by the fact that the present anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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