

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58863 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- BITHAN District- Samastipur

Mukesh Mukhiya son of Ramchandra Mukhiya Village- Bithan Ps -Bithan District -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 211-09-2024
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 Bithan Police Station Case No. 34 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, on secret information that the petitioner is indulged in the business of illicit liquor, raided the house of the petitioner and recovered 05 litres of illicit country-made liquor from the house of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to inimical terms with the local Chowkidar



and the seizure list witnesses.

- 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 inside the house of the petitioner.
- 6. 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.
- 7. This application is, accordingly, dismissed.
- 8. However, if the petitioner surrenders and files an application for grant of regular bail, the learned District Court will decide the same without being prejudiced by the rejection of the present anticipatory bail application of the petitioner, if possible, on the same day.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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