

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67062 of 2024

Arising Out of PS. Case No.-661 Year-2020 Thana- MAHUA District- Vaishali

Rakesh Kumar @ Ramesh Kumar Son of Umakant Rai Resident of Village-
Rasul Pur Mubarak, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-10-2024 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 Mahua Police Station Case No. 661 of 2020, disclosing offence under Sections 30(a), 32(ii), 34(ii), 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. The prosecution case, as per the First Information Report, is that 13.11.2020 at 3.10 pm, during patrolling, police got secret information that the petitioner is indulged in the business of illicit liquor. Thereupon, police raided the house of the petitioner and recovered 17.250 litres of illicit English liquor.
4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to village rivalry. Learned counsel further submits that



nothing has been recovered from the conscious possession of the petitioner and he has been made accused in this case on the basis of his past criminal antecedent.

5. After having heard learned Counsel for the parties concerned and taking into consideration the First Information Report and the seizure list, it is evident that the illicit liquor has been recovered from inside the house of the petitioner, accordingly, 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 grant privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, dismissed.

7. However, if the petitioner surrenders and files an application for grant of regular bail, the learned Special Court may decide the same on the same date without being prejudiced by the rejection of the present anticipatory bail application by this Court.

(Anil Kumar Sinha, J)

rinkee/-

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

