

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66913 of 2024

Arising Out of PS. Case No.-299 Year-2024 Thana- BELDOUR District- Khagaria

Kailu Sharma S/o Lachatar Sharma Resident of Village- Beldour Nagar, Ward
No 11, PS - Beldour, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh

For the Opposite Party/s : Mr. Gulnar Begum

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 Beldour Police Station Case No. 299 of 2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, on 12.08.2024, informant got secret information that Kailu Sharma, Hira Devi and Satyam Kumar buy and sell illicit liquor from their house. The informant along with other officials reached their house for verifying the same and upon seeing the police party, three people started fleeing away and upon chase, two persons were apprehended and one succeeded in fleeing away. It has further been alleged that while searching the accused persons house, total of 66.4 liters of country made liquor was recovered.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged.



He next submits that nothing has been recovered from physical or constructive possession of the petitioner. Learned counsel next submits that the actual state of affair is that the informant demanded illegal money and on refusal by the family members of the petitioner, this false and concocted case has been lodged.

5. After having heard learned Counsel for the parties and taking into consideration the fact that from seizure list it apparent that illicit liquor has been recovered from the house of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

7. If petitioner surrenders and seeks regular bail, the learned Special Judge may consider the same on the same date without being prejudiced by the fact that anticipatory bail application of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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