

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71773 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- ANTI District- Gaya

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Akhilesh Chaudhary @ Saklesh Chaudhary @ Aklesh Kumar S/O Chandu Chaudhary Resident of Village Kabar, P.S. Aati, District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Kanhiya Kishor

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 26-10-2024 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 Aati Police Station Case No. 63 of 2024, dated 26.07.2024, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The allegation against the petitioner, as per the First Information Report, is that the house of the petitioner was raided by the police and the police recovered 10 litres of illicit country-made liquor from the said house of the petitioner, kept in a plastic gallon.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicate in this case inasmuch as in the house from where illicit country-made liquor



was recovered, other members of the family also reside.

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 before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit, if possible on the same day, without being prejudiced by the rejection of the present anticipatory bail application of the petitioner by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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