

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72638 of 2023

Arising Out of PS. Case No.-441 Year-2023 Thana- RAJAON District- Banka

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Pankaj Yadav S/O Uday Yadav R/O Village- Kathchatar, Ps. Rajoun, Dist.
Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Rajoun P.S. Case No. 441 of 2023 dated 31.08.2023 instituted
for the offence punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act, 2018.

3. Allegation against the petitioner is that 20 litres
country made *mahua* liquor has been recovered from the house
of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that the
petitioner has been named in the F.I.R. but nothing has been
recovered from the conscious possession of the petitioner. The



said illegal liquor has been recovered from the house of the petitioner, which is joint property of the family. Learned counsel for the petitioner submits that the prosecution has not complied Section 100 of the Cr.P.C. and there is no independent witness of the said recovery. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner and submitted that the said 20 litres of liquor has been recovered from the house of the petitioner.

6. Considering the facts of the case that the said recovery has been made from the house of the petitioner, I am not inclined to grant Anticipatory Bail to the petitioner.

7. Accordingly, Anticipatory Bail Application of the petitioner stands dismissed.

(Khatim Reza, J)

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