

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75486 of 2024

Arising Out of PS. Case No.-212 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Bittu Mali S/O Late Gorakh Mali R/O Village- Maniyara Firm, P.S-
Kuchaikote, District -Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-11-2024 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 Kuchaikote Police Station Case No. 212 of 2022,
disclosing offence under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.
3. The prosecution case, as per the First Information
Report, is that 14.05.2022 at 2.30 pm, during patrolling, the
informant got secret information that the petitioner is sitting in
front of his house for selling illicit liquor at vill-Maniyara
Firm. Thereupon, informant along with police party reached
there and on search, recovered 33.400 litres of illicit
countrymade liquor from sitting lounge inside 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 merely on suspicion. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has transpired in this case on the basis of secret information received by Police. The petitioner is stated to be accused in three more cases, out of which, two cases are of similar nature as that of the present one.

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 verandah (baithka) of 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 Additional Sessions Judge-IV-cum-Exclusive Special Judge, Excise Court No. II, Gopalganj 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)

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