

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80807 of 2023

Arising Out of PS. Case No.-341 Year-2023 Thana- MIRGANJ District- Gopalganj

AKHILESH SAH Son of Chandrika Sah RESIDENT OF VILLAGE
KHARAUNI, PS MIRGANJ DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Bhakta

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 4 05-03-2024 Heard learned counsel for the petitioner and the State.
2. Petitioner apprehends arrest in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.
3. Prosecution case is that 26.800 liters illicit liquor was recovered from the house of the petitioner.
4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way connected with the aforesaid recovery. Petitioner has got no criminal antecedent.
5. Learned counsel for the State submits that the recovery has been made from the house of the petitioner, as



such, he cannot escape responsibility.

6. Considering the fact that the recovery of illicit liquor has been made from the house of the petitioner, this application for grant of anticipatory bail to the petitioner, is not maintainable in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar reported in 2019(2) P.L.J.R. 1089 (F.B.)**.

7. Accordingly, this anticipatory bail application is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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