

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.81662 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- Patarghat District- Saharsa

Chandra Shekhar Yadav @ Baua @ Baua Yadav Son of Naresh Yadav R/O
Vill.- Jamhara Naya Tola, Ward No.- 05, P.S.- Patarghat, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 12-12-2024 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 Patarghat Police Station Case No. 50 of 2024, disclosing offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016 and Section 25(1-b)a of Arms Act.

3. The prosecution case as per the First Information Report, is that the police, on secret information that the petitioner is selling illicit liquor from his house, reached at the house of the petitioner and on seeing the police one person succeeded in fleeing away. Local villagers disclosed the name of the person who fled away as the petitioner. On search of the



house of the petitioner the police recovered 5 litres of illicit country-made liquor and two live cartridges as well as three empty cartridges behind the house of the petitioner.

4. Learned Counsel for the petitioner submits that petitioner is innocent and has not committed any offence and he has been implicated in the present case due to malice and village politics. He further submits that the recovery of incriminating material has been made from behind the house of the petitioner. He next submits that on the alleged date of recovery, he was not present in the village rather he had gone out of the village for his livelihood. He further submits that the petitioner has got no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties 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 as well as cartridges were recovered from the house of the petitioner. Accordingly, the prima facie case is made out against the petitioner under the provisions of the Excise Act. And in view of the Full Bench decision of this Court in **Cr. Misc. Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail.



6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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