

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82737 of 2024

Arising Out of PS. Case No.-443 Year-2024 Thana- SHERGHATI District- Gaya

1. Buchiya Devi W/O Sulendra Chaudhari
2. Malti Devi W/O Balchand Chaudhari
Both resident of vilage- Chitabakla Tola, Mallahchak, P.s- Sherghati, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Sherghati Police Station Case No. 443 of 2024, dated 02.09.2024, disclosing offence under Sections 30(a) (d) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police raided the houses of the petitioners and recovered 8 litres and 02 litres of illicit liquor, respectively, from the houses of the petitioners.
4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicate in this case due to ulterior motive. He further submits that the petitioners are not the owner of the houses, in question.



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 houses of the petitioners. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioners 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 petitioners surrender before the concerned Court and seek regular bail, the same may be considered by the concerned Court on its own merit, without being prejudiced by the rejection of the present anticipatory bail application of the petitioner by this Court and on the same day, if possible.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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