

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84535 of 2024**

Arising Out of PS. Case No.-576 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Teni Sah @ Manoj Kumar Sah Son of Jawahar Sah R/o Village - Nai Basti
Mahadewa, P.S.- Mahadewa O.P., District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Meena Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 19-12-2024 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 Siwan Muffasil Police Station Case No. 576 of 2024, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per F.I.R., on 22.09.2024, the informant received information that the petitioner has kept illicit liquor in front of his house and is selling the same, proceeded towards the house of the petitioner and upon seeing the police party, one person threw a bag and tried to escape from there. Police seized the bag in which total quantity of 13.275 litres of foreign liquor was recovered.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence as alleged. Considering the discrepancy in the place of seizure as



mentioned in the F.I.R. and the seizure list, learned counsel for the petitioner further submits that in the F.I.R., it has been alleged that the petitioner was selling liquor in front of his house made of corrugated sheet and when the police arrived, the petitioner fled away after showing the corrugated sheet whereas in the seizure list, the description of place of recovery of the liquor has been shown from the house of the petitioner.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioner has four criminal antecedent of similar nature of offence relating to Excise Act, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

7. However, if the petitioner surrenders before the court below and makes a prayer for regular bail, the court below may dispose it on the same day on its own merit without being prejudiced by the fact that the present anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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