

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86684 of 2023

Arising Out of PS. Case No.-508 Year-2023 Thana- MADHUBAN District- East Champaran

Deepak Sahani Alias Deepak Kumar son of Surendra Sahani R/o Village-
Hardiya, p.s.- Madhuban, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Adv.

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-01-2024 Heard Ms. Mukul Kumari, learned counsel for the
petitioner and Mr. Md. Anzarul Haque, Additional Public
Prosecutor for the State.

2. Petitioner apprehends his arrest in connection
with Madhuban PS Case No. 508 of 2023 dated 11.10.2023
registered for the offence punishable under Sections 30(a), 41(i)
of Bihar Prohibition of Excise Act.

3. The allegation against the petitioner, as per FIR, is
that 16.50 litres of illicit liquor has been recovered from the hut
of the petitioner.

4. Learned counsel for the petitioner submits that
recovery of the illicit liquor has been made from the hut which
does not belong to the petitioner. Learned counsel further
submits that the petitioner has got no criminal antecedent.

5. Having regard to the submissions made on behalf



of the petitioner and taking into consideration the material on record and the fact that illicit liquor has been recovered from the hut of the petitioner and keeping in view the Full Bench decision passed in the case of *Ram Vinay Yadav v. State of Bihar* in *Cr. Appeal (SJ) No. 431/2019*, I am not inclined to grant anticipatory to the petitioner. Accordingly, the same is, hereby, rejected.

6. However, if the petitioner surrenders before the court below within a period of four weeks and seeks regular bail the same may be considered on the same day on its own merit without being prejudiced to the fact that the present application for anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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