

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6756 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- GOH District- Aurangabad

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Dharmendra Saw S/o- Lakshaman Saw Village- Goh Po- Goh Ps- Goh Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar

For the Opposite Party/s : Mr. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 18-03-2025 1. 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 Goh Police Station Case No. 376 of 2024,
disclosing offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.
3. As per the prosecution case, on 28.12.2024, Puja
Sharma, a police officer at Goh Police Station, received secret
information that the petitioner and co-accused were storing and
selling illegal foreign liquor. After informing the S.H.O, she
raided the location at 09:25 A.M. and recovered 33 liters of
foreign liquor from the petitioner's house, hidden in cartons and
plastic buckets.
4. Learned Counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner was not present at the place of occurrence. There is no overt act of the petitioner which can suggest the involvement of the petitioner. There is no iota of evidence against the petitioner in the whole case and the prosecution story is mala-fide in nature. Petitioner is having no criminal antecedent.

5. After having heard learned Counsel for the parties and taking into consideration the fact that from seizure list it is apparent that illicit liquor has been recovered from the house of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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