

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8302 of 2025

Arising Out of PS. Case No.-176 Year-2024 Thana- BABUBARHI District- Madhubani

Sate Mukhiya S/O Late Bahru Mukhiya R/O vill- Baunsi, P.S.-
Babubarhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under Section 272/273 of the I.P.C.
and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 25 liters country-made
liquor has been recovered from the house of this petitioner.

4. Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of
the petitioner. The recovery has been made from the asbestos
house of petitioner, which is an open place and accessible to all.
Petitioner claims clean antecedent.

5. Learned counsel for the State submits that the
recovery has been made from the house of the petitioner, as



such, this anticipatory bail petition is not maintainable, in view of Full Bench decision of this Court rendered in the case of *Ram Vinay Yadav vs. The State of Bihar* reported in *2019(2) P.L.J.R. 1089 (F.B.)*.

6. Considering the aforesaid decision of this Court, this anticipatory bail petition is dismissed as same is not maintainable.

(Prabhat Kumar Singh, J)

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