

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44703 of 2025

Arising Out of PS. Case No.-618 Year-2023 Thana- GAURICHAK District- Patna

Diwana Singh S/o Vijay Singh @ Vijay Kumar R/O- Khaira, P.S.- Gaurichak,
Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Gaurichak P.S. Case no. 618 of 2023 instituted for the offence under Sections 30 (a), 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from the house of the petitioner altogether 28.5 liters of country made liquor was recovered.

4. In this case since illicit liquor has been made from inside the house of the petitioner, it cannot be said that the excise act is not attracted.

5. Considering the Full Bench decision of this Court



rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar** reported in **2019 (2)PLJR 1089 (F.B.)**, the prayer of anticipatory bail application of the petitioner is not maintainable, hence stands rejected.

6. However, the petitioner is hereby directed to surrender before the trial Court within a period of four weeks and prays for regular bail and if the petitioner surrenders within the stipulated time, the trial Court will consider his bail on its own merit on the same day without being prejudiced by the present order.

(Ashok Kumar Pandey, J)

Jagdish/-

U		T	
---	--	---	--

