

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84941 of 2024

Arising Out of PS. Case No.-470 Year-2024 Thana- SAKRA District- Muzaffarpur

Manish Kumar S/o Sri Dharmendra Sah R/o Village- Dardha Chousaj, P.S.-
Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-01-2025 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 Sakra Police Station Case No. 470 of 2024, dated 08.09.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police raided the house of the petitioner and recovered 57.24 litres of illicit liquor from the roof top of the house of the petitioner.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to ulterior motive. He further submits that on the basis of disclosure of the name of the petitioner by the Chowkidar, the petitioner has been made accused in this case. He further submits that the petitioner did not own any



exclusive house; rather, he resides in the joint family.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the roof of the house of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail.
6. This application is, accordingly, dismissed.
7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit without being prejudiced by the rejection of the present anticipatory bail application of the petitioner by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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