

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84912 of 2024

Arising Out of PS. Case No.-411 Year-2024 Thana- BAKHARI District- Begusarai

Amit Kumar S/O Late Aravind Mahto @ Arvind Yadav R/O Village- Babhain,
Ward No - 10, P.S- Bakhri, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-01-2025 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Bakhri PS case no. 411 of 2024, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.
3. The prosecution story, in nutshell, is that police recovered 41.250 liters of illicit English liquor from the house of the petitioner.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that illicit liquor has not been recovered from the conscious possession of the petitioner. Petitioner is having no



criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit English liquor has been recovered from the house of the petitioner. Accordingly, a *prima facie* case is made out against the petitioner under Section 30(a) of the Act, as such, in view of the Full Bench judgment 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, however the petitioner is granted liberty to surrender and seek regular bail from the learned court of Exclusive Special Excise Court-2, Begusarai in connection with Bakhri PS case no. 411 of 2024. If bail application is filed by the petitioner within four weeks, the concerned court may decide the same on the same day without being prejudiced that anticipatory bail application has been rejected by this Court.

(Anil Kumar Sinha, J)

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