

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87704 of 2024

Arising Out of PS. Case No.-249 Year-2024 Thana- BIHIA District- Bhojpur

Umesh Gond @ Umesh Prasad S/O Mulati Gond R/O Bandha Jatun Ka Dera,
P.S- Bihiya, Distt.- Bhojpur at Ara. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tejpratap Singh, Advocate
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner apprehend his arrest in connection with Bihiya P.S. Case No. 249 of 2024 dated 13.08.2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022..

3. As per the allegation, 20 litre of *mahua* liquor has been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that neither seizure has been made as per the statutory provisions of Cr.PC, nor any independent witness has been associated with search and seizure. He further submits that the house of the petitioner has not been sealed.

5. It is also stated in paragraph no. 2 of the petition



that petitioner has never moved before this Hon'ble Court for grant of Anticipatory bail or Regular bail.

6. It is also stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the present petition is not maintainable because as per the allegation, *prima facie* case is made out against the petitioner on account of the fact that contraband has been recovered from the house of the petitioner and hence, anticipatory bail is not maintainable.

8. The validity or invalidity of the search and seizure could be looked into during trial. At this stage, Court is not required to appreciate the search and seizure in detail.

9. Considering the aforesaid facts and circumstances, the anticipatory bail petition is not maintainable. Accordingly, the petition is rejected as not maintainable.

(Jitendra Kumar, J.)

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