

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86281 of 2024

Arising Out of PS. Case No.-739 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Munna Sah S/O Late Satyanarayan Sah R/O Vill.-Bara Bariyarpur, P.S-
Chhatauni, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-01-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. This application, for grant of anticipatory bail, in connection with Trial No. 4988 of 2022 arising out of Excise Police Station Case No. 739 of 2019, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. The prosecution story, in nutshell, is that police recovered 4 liters of illicit country made 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. It is further



submitted that the house in question from where illicit liquor has been recovered is a joint family property. 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 country made liquor has been recovered from the house of the petitioner. Further from the impugned order it appears that the petitioner has been declared absconder and NBW had already been issued against the petitioner to secure his presence. 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, East Champaran at Motihari, in connection with Trial



No. 4988 of 2022 arising out of Excise Police Station Case No. 739 of 2019. 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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