

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.87413 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- DEHRI TOWN District- Rohtas

Diziyar Bhuiya S/O Bheku Bhuiya @ Vijay Ram Village- Maninagar, P.S.-
Dehri(T), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari
For the Opposite Party/s : Ms.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 21-01-2025 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 Dehri (Town) Police Station Case No. 137 of 2024, dated 24.02.2024, disclosing offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The allegation against the petitioner, as per the First Information Report, is that the house of the petitioner was raided by the police and the police recovered 25.8 litres of illicit liquor from the said house of the petitioner.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case



inasmuch as the house in question is not the exclusive property of the petitioner and other family members also reside in the said house. He further submits that the name of the petitioner has been disclosed by the local persons. He further submits that the petitioner has got no criminal antecedent.

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 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, if possible on the same date, without being prejudiced by



the rejection of the present anticipatory bail application of
the petitioner by this Court.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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