

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89742 of 2024

Arising Out of PS. Case No.-301 Year-2024 Thana- Excise P.S. District- Samastipur

Wakil Kumar S/O Shivji Mahto Resident of ward no.- 5, Barah Patthar P.S
Muffasil

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-01-2025 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 Sadar Excise Police Station Case No. 301 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, on 24.11.2024, at
around 10:30 PM, informant received secret information that
Wakil Kumar was selling illicit foreign liquor from his hut in
Ward No. 5 of Bikrampur Bande village. The police searched
the hut of the petitioner and found 376.920 liters of illicit
foreign liquor. The owner of the hut was identified as Wakil
Kumar by the local people.

4. Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case out of enmity and grudge. The hut from where the recovery has been made is a joint family property. No incriminating article has been recovered from the conscious possession of the petitioner.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has been recovered from the hut of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016 is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid down by the Full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

