

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18516 of 2015

Arising Out of PS.Case No. -382 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

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Kamal Rai @ Kamaldeo Rai S/o Late Atahul Rai resident of village-
Banbaripur, Police Station- Tajpur (Halai) District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 30-07-2015

Heard.

The case is under Section 47A of the Excise Act and the recovery is said to be of country and foreign liquor both as per seizure memo. The allegation is that it was clandestine storage of liquor.

Submission is that the petitioner is 60 year old and that there was no mention of any date or time in the First Information Report and it appears a case of false implication.

This Court does not want to touch upon the merit of the submissions as regards the mention of date and time, but wants to point out that the search was made on 02.11.2014 at 22.40 P.M. and the recoveries were made accordingly. This is signified by the seizure memo which in such cases is prepared ahead of filing of a report.

Considering the nature of the indulgence of the petitioner, the Court finds it unable to grant the prayer.

The petition is dismissed.

(Dharnidhar Jha, J.)

Sanjay/-

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