

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26033 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -PIRI BAZAR District- LAKHISARAI

1. Bharat Kumar Singh, Son of Late Chunnilal Singh, Resident of Village- Ghosaith, P.S.- Piri Bazar, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. M.Dayal, APP

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 12-07-2016

Heard the counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Piri Bazar P.S. case No. 41 of 2016 registered under Sections 272,273 and 290 of the IPC and Sections 47(a)/52/53(a)(c) of the Bihar Excise Amendment Act.

On confidential information, the 'Bhunja' shop of the petitioner was raided by the police. Seeing the raiding team, it is alleged, the petitioner escaped. A search was carried out. Behind the shop of the petitioner, in a *kachara* bag few bottles of India made foreign liquor (IMFL) was found.

Contention of the petitioner is that the seizure, if any of the IMFL, was not from the conscious possession of the petitioner. The seizure memo does not contain his signature or the

signature of even any independent witness.

Learned APP opposed the prayer and submitted that the petitioner was running the shop and after seeing the raiding team had escaped therefrom. Just behind the shop of the petitioner the recoveries were made.

On looking to the allegations and the other materials reflected from the record including the impugned order, I am not persuaded to extend him the privilege of anticipatory bail. Prayer is rejected.

(Kishore Kumar Mandal, J)

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