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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27295 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -PIRI BAZAR District- LAKHISARAI

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Rupesh Kumar son of Late Nityanand Singh, Resident of Village- Masudhan Tola Abhay pur, Police Station- Piri Bazar, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Rabi Bhushan, Advocate.
For the Opposite Party : Mr. Narendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-09-2016 Heard both sides.

The petitioner apprehends his arrest in Piri Bazar P.S. Case No. 38 of 2016 registered for the offences punishable under Sections 272, 273 and 290 of the Indian Penal Code and Sections 47(A), 53, 54(b) of the Excise Act.

The informant alleged that he got information that Rupesh Kumar of village Masudan Tola, Abhaypur was illegally selling liquors, on such information the police proceeded to raid and when police reached near the house of Rupesh Kumar he managed to flee away. On search of the house of the petitioner 24 bottles of Black Rock, 15 bottles of Classic Whisky each containing 15 x 750 ML were recovered and no paper regarding the seized articles was produced.

Shri Pankaj Kumar Sinha, learned counsel for the petitioner submits that from the contents of the FIR, it would appear that FIR has been manufactured as the police at one place state that the petitioner managed to flee away on arrival of police, but at another place the police state that no paper was produced. Even none of the family members of the petitioner was present, as the copy of seizure list was not handed over to any member of the family.

It appears that the informant, of course, not handed over copy of the seizure list to inmates of the house but the facts remains that huge quantity of foreign liquor were recovered from the house of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail in Piri Bazar P.S. Case No. 38 of 2016, pending in the court of Sub-Divisional Judicial Magistrate, Lakhisarai. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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