

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42295 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -BANIAPUR District- SARAN

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1. Chandrashekhar Kunwar Son of Sri Janardan Kunwar Resident of
Village- Hariharpur, P.S.- Baniyapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-11-2016 Heard both sides.

The petitioner apprehends his arrest in Baniyapur P.S. Case No. 138/2016, registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 47 and 63 of the Bihar Excise Act.

The informant alleged that he got information that the petitioner had concealed huge quantity of country made liquor in the heap of sands and on search 90 cartons containing 48 pcs in each carton and each containing 200ml country made liquor were recovered. Altogether 864 litres of country made liquor were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner was licensee of foreign liquor and country made liquor.



All of a sudden, by promulgation of prohibition the licence of the petitioner was suspended and a raid was conducted. Huge quantity of liquor was recovered for that Baniyapur P.S. Case No. 92/2016 was registered and the petitioner was granted bail. It is further submitted that the local criminals demanded extortion from the petitioner and due to non-payment of extortion the criminals shot the petitioner. He was struggling with life and death and he got treatment in PMCH. Therefore, the petitioner could not inform about keeping of the liquor under the sands and with the efflux of time on account of prohibition country made liquor was found in possession of the petitioner. For the same occurrence Baniyapur P.S. Case No. 92/2016 was registered. None of the witness has supported the prosecution case during course of the investigation, *but* from perusal of the FIR itself it appears that the police got information that the petitioner has concealed huge quantity of country made liquor containing 90 cartons each carton contains 48 bottles and each bottle containing 200 ml Whisky. Baniyapur P.S. Case No. 92/2016 was registered for recovery of foreign liquor from the possession of the petitioner and the petitioner after promulgation of the prohibition did not disclose the fact about the concealment of country made liquor under heap of sands. The police on information recovered huge quantity of country made

liquor from the possession of the petitioner.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner above named on anticipatory bail.
Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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