

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36163 of 2016

Arising Out of PS.Case No. -90 Year- 2016 Thana -RAJIVNAGAR District- PATNA

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Dharmendra Rai @ Fuddan Rai Son of Sri Ram Balak Rai Resident of
Rajapur, Pranami Mandir, Patliputra, P.S. S.K. Puri, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyank Deepak

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 29-09-2016 Heard the counsel for the petitioner and the State.

The petitioner is facing prosecution in Rajiv Nagar P.S.
Case No. 90 of 2016 registered under Sections 47(a)(2), 53(b)(c)
and 48(1)(2) of the Bihar Excise Act.

On secret information by the complainant that some have
constructed boundary wall and a makeshift house thereon which
is frequently used for drinking as also trade in liquor, the police
went to the occurrence. Seeing the police party, three of them
managed to escape. One person was arrested. A recovery of
cache of country made liquor (7680 bottles) in the hut
constructed inside the boundary wall was made. The person who
was arrested at the place of occurrence gave out the name of the
petitioner as the one involved. On this basis, the FIR was

lodged.

Contention of the petitioner is that he was not arrested at the place of occurrence. Owing to animosity, the person who was arrested at the place of occurrence gave out his name as the co-accused. The person who was arrested at the place of occurrence has been released on regular bail.

The counsel for the State on the other hand submits that in course of investigation witnesses have supported the prosecution case in so far as the dealing of country made liquor by the petitioner is concerned.

Looking to the allegations contained in the First Information Report and other materials reflected from the records including the order of the learned Sessions Judge, I am not inclined to extend him the privilege of anticipatory bail.

The prayer is rejected.

(Kishore Kumar Mandal, J)

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