

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54424 of 2017

Arising Out of PS.Case No. -312 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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Sanjay Sao @ Sanjay Saw Son of Late Ramdas Sao, R/o Village+Post
Sachna, P.S.- Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Excise Case No.
632/2017 arising out of Sheikhpura P.S. Case No.312/2017
instituted for the offence under Sections 272, 273, 353 of the
Indian Penal Code and section 30(a) of the Bihar Prohibition &
Excise Act, 2016

It is alleged in the written report that the informant
received secret information that petitioner is getting unloaded the
foreign liquor near his shop-cum-godown from a truck and three
persons named in the written report are present there to take the
delivery of those foreign liquor. The informant along with police
personnel reached at the place of occurrence, and on seeing the
police party this petitioner and his son managed to run away. The



police apprehended four persons at the place of occurrence and during search, first, from a truck parked next to the petitioner's shop-cum-godown, the police recovered 45 cartoons each containing 24 bottles of 375 m.l. of foreign liquor, second, from the back-seat of Scorpio Car in front of shop-cum-godown of the petitioner, 02 cartoons each containing 24 bottles of 375 m.l. of foreign liquor was recovered. Third, from the North-Eastern room of shop-cum-godown of the petitioner, 08 cartoons each containing 24 bottles of 375 m.l. of foreign liquor was recovered and from near the truck bearing no. PB-13AL-3875 battery, blade etc. were also recovered. The entire seizure lists have been enclosed with the written report.

Counsel for the petitioner has submitted that there is no seizure from his shop. He has further submitted that in the case-diary, the witnesses have stated different quantity which has been recovered from the godown of this petitioner and also from the seizure list. He has also submitted that date and time is also different, as mentioned in the written report and the seizure list.

This court after perusing the F.I.R. and the seizure list finds that huge quantity of foreign liquor has been recovered from his shop and also from the vehicles which was found standing near the shop-godown of the petitioner where foreign liquor were being



unloaded.

Considering the facts and circumstances of the case, this court is not inclined to enlarge the petitioner above-named on anticipatory bail, accordingly, the same is rejected.

If the petitioner surrenders in the court below within six weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioner and dispose of the same as early as possible.

(Sanjay Priya, J)

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