

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7971 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Monu Sah s/o Late Baleshwar Sah
2. Alok Kr. Singh @ Bambam Singh S/o Bhushan Singh
3. Chotu Singh S/O Satendra Singh
4. Raju Kharwar S/o Madan Kharwar
All resident of Village Chaitya Muhalla Kudra P.S. Kudra, Distt. Kaimur at
Bhabua

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 02-03-2017 Heard learned counsel for the petitioners, and the
learned counsel representing the State.

The petitioners apprehend their arrest in connection with Bhabua P.S Case No. 03 of 2017 registered for the offences punishable under Sections 30(a), 38(i) of Bihar Prohibition and Excise Act.

The petitioners succeeded in fleeing away after throwing their bags and Mahal Chaukidar, Mahendra Paswan have identified the four petitioners and further from all the bags total 270 piece tetra pack foreign liquor were recovered in presence of two independent witnesses.

Submission is of false implication and that it was not



possible to identify the petitioners in the night of 07.01.2017 at 3.25 a.m and at that time there remains dark so the identification of the petitioners by the Chaukidar appears doubtful and, as such, the petitioners deserve sympathetic consideration to which the learned A.P.P. seriously opposes.

In the facts and circumstances stated above, considering the alleged recovery and further the petitioners were identified by Mahal Chaukidar, I am not inclined to grant privilege of pre-arrest to them and accordingly, their such prayer stands rejected in connection with Bhabua P.S. Case No. 03 of 2017 pending in the Court of learned C.J.M., Kaimur at Bhabua.

(Jitendra Mohan Sharma, J)

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