

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15413 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Mithun Rai @ Mithu Kumar @ Mithun Kumar, Son of Mathura Rai,
Resident of Village- Laxmipur Gadariya, P.S. Turkauliya (Raghunathpur),
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Sri Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 15-06-2017 Heard learned counsel for the petitioner and the learned
APP appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Turkauliya (Raghunathpur) P.S. Case No. 64/2017 registered
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Allegation in brief is that 25 bottles Royal Stag foreign
liquor kept in a cartoon was recovered at the back of the house of
the petitioner near the Bamboo cluster concealed under cow dung.
It is also alleged in the First Information Report that earlier also
police received information that petitioner was involved in selling
illicit liquor.

Learned counsel for the petitioner further submits that
recovery is not from the conscious possession of the petitioner



even it was not found in Bamboo cluster and the back of the house is accessible by anyone.

Having considered the said facts and circumstances, particularly in view of Section 76(2) of the Excise Act anticipatory bail of the petitioner is not maintainable hence rejected in connection with Turkauliya (Raghunathpur) P.S. Case No. 64 of 2017 pending in the Court of learned Chief Judicial Magistrate, East Champaran, Motihari.

(Arun Kumar, J)

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