

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20965 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -SAHAJITPUR District- SARAN

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Deo Kumar Thakur, Son of Late Bhagwat Thakur, Resident of Village-
Kolunha Dhanupur, Dhangaraha, Police Station- Sahjitpur, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 12-07-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Sahajitpur P.S. Case No. 22 of 2017 for the offences punishable under sections 30, 38 and 41 of the Bihar Prohibition Excise Act, 2016.

Allegedly, acting on a tip off that the petitioner is selling foreign liquor, raid was conducted at the house of the petitioner but the petitioner succeeded in fleeing away with the bag containing liquor and after search from his house foreign liquors were recovered which was concealed in the straw.

Submission is of false implication and that there is no witness on the seizure list, no villager has signed as seizure list



witness, the seizure list witnesses are Home Guards which were with the informant, nothing has been recovered from the house of the petitioner, the petitioner has not been apprehended at the spot and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioner by submitting that 21 pieces of Royal Stag English Wine which were kept in a plastic bag was recovered and as the villager refused to become seizure list witness as such in presence of Home Guards search was made, during investigation the witnesses have supported the prosecution case, in view of section 76 (2) of the Bihar Prohibition and Excise Act, 2016 anticipatory bail application is not maintainable.

In the facts and circumstances as stated above, considering the alleged recovery in front of house of the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M- VIII, Saran at Chapra.

(Jitendra Mohan Sharma, J)

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