

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48275 of 2016

Arising Out of PS.Case No. -560 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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Roshan Kumar @ Raushan Kumar S/o Naresh Yadav @ Naresh Prasad
Yadav Resident of village - Manikpur, Ward No. 2, P.S. Madhepura
(Bharrahi), District - Madhepura

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate.

For the Opposite Party : Mr. Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-03-2017 Heard both sides.

The petitioner apprehends his arrest in Madhepura
(Bharrahi O.P.) P.S. Case No. 560 of 2016 registered for the
offences punishable under Section 47(a) of the Excise Act.

The police got information that the petitioner was
illegally selling liquor and on such the police was going to raid the
house of the petitioner but the petitioner after seeing police fled
away from the house. On raid 27 bottles of Imperial Blue Whisky,
3 bottles of Royal Stage Whisky were recovered from the semi-
constructed house of the petitioner.

Learned counsel for the petitioner submits that no
recovery was made from the dwelling house of the petitioner. It
was semi-constructed house of the petitioner from where recovery



was made. There is every possibility that somebody might have kept the liquor in the semi-constructed house of the petitioner but from perusal of the FIR, itself, it appears that the house is situated just by the side of the dwelling house of the petitioner and the petitioner after seeing the police fled away from the house. 30 bottles of different brands of Indian made foreign liquor was recovered from the house of the petitioner and it has come that the petitioner was selling the same illegally.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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