

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60274 of 2018

Arising Out of PS. Case No.-249 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Kamlesh Chaudhary, Son of Kewal Chaudhary, Resident of Village-
Makhdumpur (Dih), P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Adv.
		Mr. Pritish Kumar Lal, Adv.
For the Opposite Party/s :		Mr. None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 06-10-2018 Heard Sri S.K. Lal, learned counsel, assisted by Sri
Pritish Kumar Lal, learned counsel for the petitioner. None
appeared on behalf of the State.

The sole petitioner, apprehending his arrest in
Makhdumpur P.S. Case No. 249 of 2018 registered for the
offence under Sections 30(a), 37(a) (b) (d) of the Bihar
Prohibition and Excise Act, 2016, has prayed for grant of bail, in
the event of his arrest or surrender.

learned counsel for the petitioner, by way of referring
to the F.I.R. as well as seizure list, submits that the petitioner
has falsely been made accused in the present case. He submits
that on secret information, the police had conducted a raid in the
house of the petitioner and from the second floor of the house of



the petitioner, it was alleged that about 45 kg. decomposed Mahua was found kept in a container. Besides this, half litre of country made liquor was also shown to be recovered. It has been emphasized that seizure is itself in contravention of Section 100 of the Code of Criminal Procedure. The seizure witnesses are not belonging to the same village and, as such, it was a case of false accusation.

However, on going through the F.I.R., it is evident that on secret information, when raid was conducted, from the house of the petitioner, two persons in drunken condition were arrested. Besides arrest of two accused persons from the premises of the petitioner, there is also recovery of liquor and, as such, I am of the opinion that it is not a fit case for extending the privilege of anticipatory bail.

The anticipatory bail petition stands dismissed.

(Rakesh Kumar, J.)

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