

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51704 of 2018

Arising Out of PS. Case No.-71 Year-2018 Thana- RAJNAGAR District- Madhubani

Chandan Kumar S/o Ramprikshan Mahto @ Ramvrix Mahto, R/o Vill.-
Paliwar, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-09-2018

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends arrest in connection with
Rajnagar P.S. Case No. 71 of 2018 dated 18.03.2018 instituted
under Sections 272 and 273/34 of the Indian Penal Code and
30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is that from the
side of his house, in the mud, 28 bottles of 300 ml each of
Nepali liquor were recovered.

4. Learned counsel for the petitioner submitted that
recovery is not from inside the house and, thus, not from the
conscious possession of the petitioner. It was further submitted
that the petitioner has no criminal antecedent.



5. Learned APP submitted that recovery of 28 bottles cannot be said to be for self consumption or for non commercial purpose and clearly it indicates that the petitioner is involved in the trade of illegal liquor. Further, he submitted that the raid was conducted on receipt of secret information by the police specifically against the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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