

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17238 of 2019**

Arising Out of PS. Case No.-744 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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MANOJ KUSHWAHA @ MANOJ KUMAR aged about 32 years (male), Son
of Motilal Kushwaha Resident of Village- Kalyanpur Khas, P.S.- Kotwa,
District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Asha Kumari

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-03-2019 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in
connection with Excise Case No. 744 of 2018 registered
under Section 30(a), 38(b) of the Bihar Prohibition and
Excise Act, pending in the court of learned 7th Additional
Sessions Judge cum Special Judge, Excise, Motihari, East
Champaran.

Learned counsel for the petitioner submits that
although the allegation in the F.I.R. is that the alleged
recovery of illicit liquor has been made from the
homestead/orchard of the accused but on perusal of the
seizure list, it would appear that the place of seizure from



where recovery has been made is not mentioned.

On the other hand, learned A.P.P. for the State submits that in the F.I.R. it is clearly alleged that the raid was conducted in the residential homestead/orchard of the petitioner from where recovery of huge quantity of illicit liquor was made, further on perusal of the seizure list it will appear that place of seizure is also mentioned at the top of Banswari (kalyanpur) and the name of the petitioner has been shown in the column of the accused at whose place the raid was conducted.

It is submitted that in such circumstance it is evident that the recovery has been made from the place of the petitioner and as such he would not deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, seizure list and the allegation made in the F.I.R. as also that there is huge quantity of illicit liquor, I am not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is refused.



In case, the petitioner surrenders and prays for regular bail within a period of four weeks from today, his prayer of regular bail shall be considered by the court below without being prejudiced by the orders of the this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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