

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17628 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- BAHADURGANJ District- Kishanganj

Ganesh Basak, son of Uchit Lal Basak, Resident of village Chaupal Basti
Bask Tola ward no.10, P.S.-Bahadurganj, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bahadurganj P.S. Case No.6 of 2019 for the offence punishable
under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

Allegation as made in the FIR that the informant
along with other was on patrolling duty and got information that
the petitioner after release on bail in Bahadurganj P.S. Case
No.18 of 2018 registered under Section 30(A) of Excise Act was
indulged in buying and selling of the illegal wine and on
information, the police raided the house of the petitioner upon
which the petitioner fled from his house. From the Varamada of
the house, the police party recovered 7.8 littres wine.

Learned counsel for the petitioner submits that the



seizure list was not properly prepared inasmuch as it has contained the signature of only the police personnel and no independent witnesses are there.

Learned counsel for the State opposes the prayer for bail.

After having heard learned counsel for the petitioner as well as State and upon perusal of the material and First Information Report, I am of the considered opinion that from perusal of First Information Report and seizure list, it appears that the allegation of recovery from the house of the petitioner is prima facie made out against the petitioner and the petitioner appears to be habitual offender. As such I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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