

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29871 of 2019

Arising Out of PS. Case No.-427 Year-2018 Thana- MAHUA District- Vaishali

Vikash Kumar @ Balaji Son of Baskit Singh, Resident of Village-Madhapur,
P.S.-Mahua, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-05-2019 Heard both sides.

The petitioner apprehends his arrest in Mahua P.S.
Case No.427 of 2018 registered under Sections 414 and 34 of
the Indian Penal Code and under sections 30, 30(a) and 38 of
the Bihar Prohibition and Excise Act.

The informant (police officer) got information that the
petitioner, who is accused in Mahua P.S. Case No.390 of 2018,
Mahua P.S. Case No.420 of 2018 and Mahua P.S. Case No.309
of 2017, is in his house and went to raid the house of petitioner
in order to arrest him. When the police reached near the house
of the petitioner, the police saw that the petitioner was keeping
liquor in a car but the petitioner fled away after seeing the
police. On search, some liquor was also recovered from the
verandah of the house of the petitioner.



Learned counsel for the petitioner submits that the driver was found sitting inside the car and 18 litres liquor is said to have been recovered from the verandah of the house of the petitioner. The verandah is open place and the petitioner cannot be held responsible for recovery of any liquor from any open place. It is further submitted that the petitioner has got no criminal antecedent, but from perusal of the F.I.R. itself, it appears that the petitioner is accused in three criminal cases being Mahua P.S. Case No.390 of 2018, Mahua P.S. Case No.420 of 2018 and Mahua P.S. Case No.309 of 2017. When the police reached near the house of the petitioner, the police saw that the petitioner was keeping liquor in the car but the petitioner managed to flee away after seeing the police and from the verandah of the house of the petitioner, the liquor was recovered.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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