

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30305 of 2019**

Arising Out of PS. Case No.-35 Year-2019 Thana- MAHESHKHUNT District- Khagaria

Phulchand Choudhary @ Phulchandra Choudhary, Aged about 60 years,
Male, S/o Lakhan Choudhary, R/o village- Kajichak, P.S.- Maheshkhunt,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 09-05-2019 Heard both sides.

Petitioner apprehends his arrest in Maheshkhunt P.S.

Case No.35 of 2019, registered under Section 30(a) of the Bihar
Prohibition and Excise Act.

The informant on secret inputs raided the house of the
petitioner and others. From the house of the petitioner,
Phulchand Choudhary @ Phulchandra Choudhary, 20 litres of
country made liquor made of Mahua has been recovered.

Learned counsel for the petitioner submits that from
perusal of the seizure list, it would appear that no independent
witness has put signature on the seizure list. It creates a
reasonable doubt about genuineness of the seizure list. Copy of
the seizure list has not been handed over to any of the family



members. It is further submitted that the joint family are residing in the house and for that only petitioner cannot be held responsible but it appears from the contents of the FIR itself that the house belongs to the petitioner and when the petitioner saw the police, petitioner managed to flee away and on search 20 litres of country made liquor was recovered from the house. No family member was found present nor anybody came forward to witness the preparation of seizure list and on such the Home Guard Constable put signature on the seizure list.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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