

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42799 of 2019

Arising Out of PS. Case No.-319 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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MADAN RAM Son of Late Mahaveer Ram Resident of Village- Ambedkar
Colony, Baswaria, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-07-2019 The petitioner apprehends his arrest in connection with Bettiah Town P.S.Case No. 319 of 2017 registered under Sections 272 and 273 of the Indian Penal Code and 30, 33, 34, . 36,38(1) of the Bihar Prohibition and Excise Act (hereinafter referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that the police raided the houses of petitioner and others at Baswaria, Ambedkar Colony and recovered illicit liquor, apparatus and other articles from the houses of the petitioner and others.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and no offence under the Act is made out against him inasmuch as from perusal of the FIR and the seizure list, it is not evident that what material has



been recovered from the house of the petitioner. Learned counsel further submits that though house of the petitioner bearing No. 0211 is mentioned in the seizure list and the FIR, but from the seizure list and the FIR, illicit liquor and apparatus have been seized from four houses whereas only description of three items have been mentioned in the seizure list and it is not apparent from the same that which article has been recovered from the house of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that there is no denial of the fact that house no. 0211 belongs to petitioner and that from the seizure list, it is evident that police has raided a number of houses from which recovery has been made and three items have been mentioned in the list of items recovered by the police. Accordingly, on perusal of FIR and the seizurelist, it is evident that illicit liquor and other items have been seized by the police from the houses including the house of the petitioner as such a *prima facie* case is made out against the petitioner and in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.



However, in case, petitioner surrenders before the court below within a period of 15 days and files application for regular bail, the same shall be considered on the same day without being prejudiced to the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

sujit/-

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