

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36452 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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Anita Devi, Wife of Viren Mahto Resident of Village - Champa Nagar, P.S.-
K. Nagar (Champa Nagar O.P.), District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with K.
Nagar (Champa Nagar) P.S. Case No.137 of 2019 for the
offence punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioner is that shop of the
petitioner was raided by the police and total quantity of 7.500
litres of country-made illicit wine was recovered from the
vegetable shops of the petitioner.

Mr. Ram Prawesh Kumar, learned counsel appearing
for the petitioner submits that petitioner has falsely been



implicated in this case inasmuch as no independent witness has put his signature in the seizure list. During the course of investigation, no witness has come forward to say anything against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that from perusal of the FIR and the seizure list, it transpires that the illicit liquor has been recovered from the vegetable shop of the petitioner, accordingly, in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such the present anticipatory bail application is hereby rejected.

(Anil Kumar Sinha, J)

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