

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39417 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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Ram Babu Mandal Son of Trilok Mandal, Resident of Village - Gaushala
Road No. 8, P.S.- Town, Distt - Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-06-2019 Heard both sides.

The petitioner apprehends his arrest in Town P.S. Case No.58 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant on secret information went to verify the information near the house of Rambabu Mandal but Rambabu Mandal after seeing the police managed to flee away. On search, 112 bottles each containing 300 ml liquor were recovered from the house of the petitioner.

Learned counsel for the petitioner after drawing the attention of the Court towards the seizure list submits that the house was of Lalbabu and not of the petitioner. If a person



comes out from a house of another person, he cannot be said to be the owner of the property, but it appears from the contents of the F.I.R. itself that the informant went to the house of the petitioner and from half constructed house of the petitioner, liquor was recovered. It further appears that inadvertently the name of Lalbabu instead of Rambabu Mandal is mentioned in the seizure list.

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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