

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45023 of 2019**

Arising Out of PS. Case No.-169 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. Amresh Kumar @ Ambresh Kumar, Son of Mishri Lal Rai
 2. Sujit Kumar, Son of Mishri Lal Rai,
 3. Rajesh Kumar Son of Mishri Lal Rai
- All are residents of Village - Sadhadambar (Near Water Tank), P.S.- Motipur,
Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Smt. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 22-07-2019 Heard learned counsel for the petitioners and learned APP
representing the State.

The petitioners apprehend their arrest in connection with
Motipur P.S. Case No. 169 of 2019, registered under Sections 30
(a), 38 (i) (2), 41 (I) of the Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioners is that on secret
information that the accused persons were busy in concealing a
big consignment of illicit liquor in village Sadhadumber, Pani
Tanki, raided the place of occurrence i.e. house of the petitioners
and upon seeing the police party, all male members of the house
fled away from back side of the house and on search 25.920
liters of illicit liquor was recovered.



Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as the informant had taken Bolero vehicle on rent from petitioner no.3 vide letter no. 1057/18 dated 05.07.2018 and when petitioner no.3 demanded the rent from the officials, for this a false case has been lodged. He further submits that the house in question is abandoned and nobody resides over there and further there is no compliance of the provisions of the seizure under Section 100 of the Code of Criminal Procedure.

After having heard learned counsel for the parties and taking into consideration the fact that the seizure of illicit liquor has been made from the house of the petitioners, in view of full Bench judgment passed in Cr. App (S.J.) No. 4310 of 2019 and upon perusal of the FIR and seizure list, it transpires that illicit liquor has been recovered from the house of the petitioners, as such, a *prima facie* case is made out against the petitioners under the Excise Act, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

S. Katyayan/-

U		T	
---	--	---	--

