

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44219 of 2019**

Arising Out of PS. Case No.-57 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

=====

GOPAL CHAUDHARI(M) age 27 years, Son of Shambhu Chaudhari
Resident of Village- Maheshpur, Ward No. 12, P.S.- Pipra, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Akhouri Vipin Bihari Shrivastava
For the Opposite Party/s : Mr.Indra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-07-2019 Heard both sides.

The petitioner apprehends his arrest in Excise P.R. No.57 of 2017, corresponding to Misc. Excise No.890 of 2017 registered under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The Excise officials raided the house of the petitioner and others and recovered 300 liters of country made liquor from a hut situated in the courtyard of the house of the petitioner.

The learned counsel for the petitioner submits that hut was in dilapidated condition. The petitioner is not residing in his house. It is submitted that from perusal of Annexure-2, it would appear that the police on a report called for by Special Public Prosecutor reported that the petitioner is not living in the house



and showed the petitioner as innocent but it appears that Excise officials, on recovery of huge quantity of liquor from the hut situated in front of the house but within the courtyard of the petitioner, submitted prosecution report. The petitioner gained over the Special Public Prosecutor who has no business to call for a report from the police with regard to submission of final form/prosecution report and on such report, the petitioner is relying. The report is of no help.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Saurabh/-

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

