

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42792 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- BAJPATTI District- Sitamarhi

RAMESH SAH S/o Vindeshwar Sah Resident of Village- Madhuban Bazar,
P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mrs.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-07-2019 The petitioner apprehends his arrest in connection with Bajpatti P.S.Case No. 22 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that police, upon secret information, raided the house of the petitioner fromwhere 30.430 litres of illicit liquor was recovered and son and wife of the petitioner have been arrested and upon asking, they disclosed that Ramesh Sah i.e., the petitioner used to bring liquor and supplied to persons.

Learned counsel for the petitioner submits that petitioner does not reside in the house and the police has found illicit liquor from the house in which his son and wife reside and have been arrested by the police. Learned counsel further submits that no offence under the Act is made out against this petitioner.



After having heard learned counsel for the parties and taking into consideration the fact that petitioner is owner of the house from where illicit liquor has been recovered and there is no denial of the fact that house belongs to petitioner and accordingly, 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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