

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46699 of 2019

Arising Out of PS. Case No.-214 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Pundev Das @ Punyadev Das Son of Jhagru Das, Resident of Village -
Belghatti, P.S. - Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-07-2019 Heard both sides.

The petitioner apprehends his arrest in Turkauliya P.S.
Case No.214 of 2019 registered under Sections 272, 273 and 34
of the Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act.

The informant got secret inputs about selling of illicit
liquor by Devlal Das and Punyadev Das (petitioner). On such, a
raid was conducted and on seeing the police, the petitioner and
Devlal Das fled away leaving the motorcycle. On search, 20
pouches each containing 200 ml liquor kept in a bag hanging in
the handle of the motorcycle and four litres spirit were
recovered from the motorcycle.

Learned counsel for the petitioner submits that, of



course, the motorcycle is owned by the petitioner but it was Devlal Das, who had taken the motorcycle of the petitioner. The petitioner is not responsible for recovery of liquor from a bag, which was hanging in the handle of the motorcycle and spirit kept in the dickey of the motorcycle, but it appears that there is specific allegation that it was petitioner and Devlal Das, who were indulged in the trade of illicit liquor and 20 pouches each containing 200 ml liquor kept in a bag and four litres spirit kept in the dickey of the motorcycle were recovered. The petitioner is the owner of the motorcycle. The petitioner has got criminal antecedent and he is accused in Turkauliya P.S. Case No.215 of 2019.

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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