

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50675 of 2019

Arising Out of PS. Case No.-477 Year-2018 Thana- BAIRIYA District- West Champaran

Manoj Ram, Son of Yamuna Ram Resident of Village - Dumaria, P.S.-
Bairiya, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bairiya P.S. Case No.477 of 2018 for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that police,
upon secret information that petitioner was indulged in sale of
illicit liquor from his house, raided the house of petitioner and
recovered total quantity of 20 litres illicit liquor from his house.

Mr. Sanjay Kumar No.7, learned counsel appearing
for the petitioner submits that petitioner is innocent having no
criminal antecedent. Learned counsel further submits that the
fact of the matter is that petitioner has falsely been implicated in
this case at the behest of other family members inasmuch as
petitioner is not residing in the house from which the illicit



liquor has allegedly been recovered.

Learned counsel placing reliance on the seizure list submits that in the seizure list, witness is one Hariram who is the full brother of the petitioner and resides in the same house, however, police made the petitioner as an accused whereas his brother has been made the seizure list witness. Learned counsel further submits that the procedure of search and seizure under Section 100 Cr.P.C. has not been followed by the police and as such the petitioner deserves the privilege of anticipatory bail.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that from perusal of the First Information Report, it appears that the illicit liquor has been recovered from the house of the petitioner, accordingly, in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such the present anticipatory bail application is hereby rejected.

(Anil Kumar Sinha, J)

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