

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53485 of 2019

Arising Out of PS. Case No.-230 Year-2019 Thana- SHERGHATI District- Gaya

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1. RAM CHANDRA MALLAH @ RAM CHANDRA CHAUDHARY Son of Chanarik Mallah @ Chanarik Chaudhary
 2. Surendra Mallah @ Butaru @ Surendra Sahani Son of Rajendra Sahani @ Rajendra Mallah
Both Resident of Village - Mallah Chak, Chitab Kala, P.S.- Sheghati, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 The petitioners apprehend their arrest in connection with Sherghati P. S. Case No. 230 of 2019 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioners is that the police on secret information raided the house of the petitioners and recovered 10 litres illicit liquor from the house of both petitioners.

Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in this case inasmuch as the house from where illicit liquor has allegedly been recovered is situated outside of the village and nobody else stays there. He further submits that seizurelist prepared by the



police, has not been prepared in accordance with 100 Cr.P.C.

After having heard learned counsel for the parties and taking into consideration the fact that as per FIR, allegation is of recovery of liquor from the house of petitioners as such a *prima facie* case under the Excise Act is made out against the petitioners. Therefore, 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.

(Anil Kumar Sinha, J)

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