

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52701 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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Amar Kumar Bhagat, Aged about 24 years, Male, Son of Surendra Bhagat,
Resident of Village - Gamhariya, Ward No. 2, Baijnathpur (O.P.), P.S. - Sour
Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh

For the Opposite Party/s : Mr.Jagdhari Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-08-2019 Heard both sides.

Petitioner apprehends his arrest in Special (Excise)
Case No.120 of 2019, registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the
house of Prabhas Kumar Yadav was searched and huge quantity
of country made liquor as well as Indian made foreign liquor
was recovered but on the disclosure made by the unknown
person that petitioner is also indulged with Prabhas Kumar
Yadav in illicit trade of liquor, the name of the petitioner figured
in the case. It is also submitted that there is nothing on record to
show that the petitioner is partner of Prabhas Kumar Yadav and
mere disclosure that too by unknown person is no evidence.



It appears from the prosecution report that huge quantity of liquor was recovered from the dickey of Maruti Suzuki Car parked in a room of Prabhas Kumar Yadav and petitioner is disclosed to be the associate of Prabhas Kumar Yadav. Of course the petitioner is made accused on disclosure that the petitioner is partner of Prabhas Kumar Yadav from dickey of whose Maruti Car parked in his house, huge quantity of liquor is recovered but the petitioner has got criminal antecedent and he is an accused in a criminal case registered under Section 30(a) of the Bihar Prohibition and Excise Act.

Taking into consideration the fact that the petitioner has got criminal antecedent, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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