

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54988 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- GAUNAHA District- West Champaran

KAMLA DEVI, W/o Late Jai Narayan Mahto, Resident of Village- Sithi, P.S.-
Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2019 The petitioner apprehends his arrest in connection with
Gaunaha P.S.Case No. 65 of 2019 registered under Sections
30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that the
Excise Prohibition Control Cell, Patna received information that
petitioner was indulged in manufacturing and selling of illegal
liquor, reached near the house of petitioner and upon seeing the
police party, one female fled away and the local Chaukidar
identified her as petitioner i.e., Kamla Devi and upon search of
the house of the petitioner, the police recovered four country
made liquor kept in a gallon in the house.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in this case with oblique motive. He
submits that a small quantity of four litres of illicit liquor has



been recovered from the house of the petitioner. He submits that a police party was constituted at Patna which allegedly proceeded to Gaunaha, which is about 300 Km away in West Champaran and the member of police party raided and recovered merely four litres illicit liquors from the house of the petitioner. Learned counsel further submits that seizure list, which has been prepared by the police, is also not in accordance with law and the witnesses who have allegedly signed the seizure list were Chaukidars of the police with their parentage and addresses and no local independent witness has signed the seizure list.

After having heard learned counsel for the parties and taking into consideration the fact that from perusal of the FIR and the seizure list, illicit liquor has been recovered from the house of the petitioner, 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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