

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56514 of 2019

Arising Out of PS. Case No.-69 Year-2019 Thana- GAUNAHA District- West Champaran

VIJAY URAW @ VIJAY URAO Son of Panchu Uraw Resident of Village -
Rupauliya, P.S.- Gaunaha, Dist.- 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 : Mrs.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-09-2019 The petitioner apprehends his arrest in connection with Gaunaha P.S.Case No. 69 of 2019 registered under Sections 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that the police recovered in total 06 litres illicit liquor from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as from perusal of FIR and seizure list, it would be evident that there is no signature of the local witness on the seizure list and the Chaukidar has been made witness by the informant police officer. Learned counsel thus submits that the procedure of Section 100 Cr.P.C. has not been followed at the time of seizure



of illicit liquor from the house of the petitioner.

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

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