

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57470 of 2019

Arising Out of PS. Case No.-428 Year-2019 Thana- KAHALGAON District- Bhagalpur

Shri Nivas Sinha @ Nivas Mandal, Aged about 46 years, Male, Son of Kamleshwari Mandal, Resident of Mohalla Rampur, P.S. Shivnarayanpur, District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-09-2019 Heard both sides.

The petitioner apprehends his arrest in Kahalgaon (Shivnarayanpur) P.S. Case No.428 of 2019, registered under Sections 188 and 290 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

On secret inputs, the informant raided the Kirana shop of the petitioner on which the son of the petitioner was sitting and 58 bottles of Indian made foreign liquor was recovered.

Learned counsel for the petitioner submits that the seizure list was prepared on 05.07.2019 but the FIR was lodged on 06.07.2019. The seizure list bears the number of the FIR.

It appears that the seizure list was prepared before institution of the case and later on the FIR number was filled



after institution of the case. It was petitioner who was selling liquor from his Kirana shop and on such inputs recovery was made.

Taking into consideration the facts aforesaid, 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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