

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59468 of 2019

Arising Out of PS. Case No.-213 Year-2019 Thana- TAJPUR District- Samastipur

Sanjay Kumar male, aged about 25 years, son of Ram Babu, resident of
Village - Waini, P.S. - Tajpur, Distt - Samastipur. (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection
with Tajpur P.S. Case No. 213 of 2019 registered under section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that police raided
the house of the petitioner and recovered a total quantity of 9
liters of illicit foreign liquor from the room situated near
veranda of the house of the petitioner.

Mr. Bijay Bhushan Prasad, learned counsel appearing for
the petitioner submits that the petitioner has falsely been
implicated in this case inasmuch as from perusal of the first
information report itself it would be evident that the room from
where the illicit liquor was recovered was not found locked by the



police. Learned counsel further submits that while preparing seizure list, the provision of Section 100 Cr.P.C was not adhered by the police, further the house in question belongs to a joint family property and the petitioner has only been implicated in this case.

Having regard the submission made by the parties and taking into consideration the fact that illicit liquor has been recovered from the house of the petitioner as such, in view of Full Bench decision, passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the Court below within a period of 15 days from today and seeks regular bail, learned Court below may consider his application for regular bail without being prejudiced by the fact that the present application for anticipatory bail has been dismissed by this Court.

(Anil Kumar Sinha, J)

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