

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62025 of 2019

Arising Out of PS. Case No.-108 Year-2019 Thana- HATHAURI District- Samastipur

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KANHAIYA MANDAL @ KANHYA MANDAL Son of Late Yogendra
Mandal Resident of Village- Purra, Police Station- Hathauri, (Shivajinagar),
District- Samastipur..... Petitioner/s

Versus

The State of Bihar..... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Manoj Kumar
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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner apprehends his arrest in connection with Hathauri (Shivajinagar) P.S. Case No. 108 of 2019, registered under Sections 30 (a) of the Bihar Excise & Prohibition Act, 2016.

The allegation against the petitioner is that the old wine shop of the petitioner was raided by the police and recovered total quantity of 106.5 liters Indian Made Foreign Liquor from the shop in question.

Learned counsel appearing for the petitioner submits that petitioner has been falsely implicated in this case inasmuch as the old country made liquor shop was closed and standing in the name of father of the petitioner and petitioner along with seven brothers are the joint owner of the shop in question.



Learned counsel for the petitioner further submits that police has not complied with the provisions of search and seizure enshrined in Section 100 Cr.PC.

After having heard learned counsel for the parties and taking into consideration the fact and on perusal of the First Information Report and the Seizure List a prima facie case is made out against the petitioner under Excise Act. Accordingly, in view of the Judgment passed by the full Bench in Criminal Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of anticipatory bail to the petitioner.

This application is, accordingly, dismissed.

However, if the petitioner surrenders within three weeks and seeks regular bail, learned Court below will consider his prayer for regular bail without being prejudiced with the fact that present application has been dismissed by this Court.

T.Kr./-

(Anil Kumar Sinha, J)

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