

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69375 of 2019**

Arising Out of PS. Case No.-335 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Bikrama Chaudhary @ Vikrama Chaudhary Son of Wakil Chaudhary
Resident of Village - Jafra, P.S.- Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Anil Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Siwan Mufassil P.S. Case No. 335 of 2019 registered for the
offence punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of Bihar Excise and Prohibition Act-
2018.

23.360 lts. of country made liquor is said to have
been recovered from the asbestos house of the petitioner and
petitioner managed to escape.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. Petitioner has no concern



with the seized liquor. Albeit, the liquor is said to have been recovered from the house of the petitioner but, the copy of the seizure list has not been furnished to any of the family members of the petitioner and it also does not bear his signature, which rules out the aforesaid recovery from the house of the petitioner. There is violation of Section 100 Cr.P.C., hence, the petitioner may be enlarged on bail.

On the other hand, learned APP opposed the bail prayer of the petitioner.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer is rejected.

However, petitioner is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of his surrender in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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