

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1491 of 2020

Arising Out of PS. Case No.-148 Year-2019 Thana- MAHESHKHUNT District- Khagaria

PRITAM KESHRI @ DISCO KESHRI Son of Late Nivas Choudhary
Resident of Village - Mahesh Khunt English Tola ward 9, P.S. - Mahesh
Khunt, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 02-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Maheshkhunt P.S. case No. 148/2019 registered under Section u/s 30(a) of the Bihar Prohibition & Excise Act.

The informant alleged that 270 bottles of Indian made foreign liquor, each containing 180 ml, were recovered from the house of the petitioner.

The learned counsel for the petitioner submits that from perusal of paragraph 9 of the case diary, which describes the place of occurrence, it would appear that recovery is not made from the dwelling house of the petitioner rather it is made



from the Basa situated far away of the dwelling house of the petitioner. It is further submitted that seizure list witnesses in paragraph 12 of the case diary also stated the same facts that the recovery is made from Basa of the petitioner. In paragraph 13 of the case diary also it is recorded that recovery is made from the Basa of the petitioner but from perusal of the FIR as well as case diary it appears that recovery is made from the Basa of the petitioner where the male members and cattle are kept and the informant and other police officials saw the petitioner fleeing away from his Basa from where 270 bottles of IMFL was recovered.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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