

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6705 of 2020

Arising Out of PS. Case No.-5 Year-2019 Thana- AGIAON District- Bhojpur

1. RADHEY SHYAM YADAV @ RADHEY SHYAM S/o Sri Baleshwar Singh Resident of Village- Jaganpura, P.S. - Sandesh, Distt- Bhojpur.
2. Ranjeet Kumar S/o Etwar Singh Resident of Village- Bhagwatipur, P.S.- Udwanthnagar, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nihar Nandan Ambasta

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-08-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Agiyaon (G) P.S. case No. 05/2019 registered under Section 272, 273 of the IPC and u/s 30(a) of the Bihar Prohibition & Excise Act.

The informant saw that one person was trying to start his Hero Honda motorcycle but on seeing the police party he fled away. On search, 20 liters of Mahua liquor was recovered from a tube kept on the motor cycle. It is alleged that petitioner No.1 was driving the vehicle and petitioner No.2 is owner of the vehicle and they were carrying the liquor from the motor cycle.



The learned counsel for the petitioners submits that from the seizure list it would appear that no independent witness put his signature on the seizure list. The seizure list is not made in accordance with law. The petitioners were not apprehended on the spot but it appears that petitioner No.2 is owner of the vehicle and petitioner No.1 was driving the vehicle and both were carrying liquor on the motor cycle but after seeing the police they fled away and on search 20 liters of Mahua liquor was recovered from the motor cycle.

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

(Prabhat Kumar Jha, J)

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