

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9747 of 2020

Arising Out of PS. Case No.-313 Year-2019 Thana- PIRO District- Bhojpur

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CHANDAN RAI @ CHANDAN KUMAR RAI, S/o Late Balmiki Rai, R/o
village- Tiladh, P.S.- Piri, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha-1, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the self statement of Pankaj Kumar, S.I.-cum-S.H.O., Piro Police Station recorded on 17.11.2019 at 3.45 PM is to the effect that a secret informant was received that co-accused, Khushbu Devi and



her brother-in-law, Chandan Rai, the petitioner are indulged in the liquor trade. Consequently, the house was raided and from the house, 27.390 litres of Indian Made Foreign Liquor was recovered and co-accused, Khushbu Devi was arrested.

It is submitted by learned counsel for the petitioner that the petitioner resides at Punjab and the said recovery has been made from the joint family house of the petitioner, hence, it cannot be treated to be made from the conscious physical possession of the petitioner. Moreover, the seizure list does not bear the signature of the petitioner and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the recovery has been made from the house of the petitioner, the anticipatory bail is not maintainable.

Accordingly, the prayer for anticipatory bail is rejected.

However, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of



six weeks in connection with Excise Case No. 2319 of 2019 (arising out of Piro P.S. Case No. 313 of 2019), pending before the learned 4th ADJ-cum-Special Judge (Excise), Bhojpur at Ara.

(Dinesh Kumar Singh, J)

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