

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13510 of 2020**

Arising Out of PS. Case No.-262 Year-2019 Thana- SAKRA District- Muzaffarpur

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RAUSHAN KUMAR Son of Late Raj Kumar Ray Resident of Village -
Bahrapur, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-09-2020 Heard learned counsel for the petitioner and

learned counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Sakra P.S. Case no. 262 of 2019 registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on a raid being conducted 309.42 litres of IMFL is stated to have been recovered from the residential house of the petitioner. It is stated that the petitioner managed to escape.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are absolutely false and

no recovery whatsoever has taken place from the residential premises of the petitioner. It is further submitted that even on perusal of the FIR together with the seizure list it is evident that residential house of the petitioner was described as “khaprail”. The house from which the alleged recovery is stated to have taken place does not belong to this petitioner and the same is in an abandoned condition and accessible to the general public. The petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State who submits that the place of recovery is the house of the petitioner.

Having heard learned counsel for the parties and taking into consideration the allegation of recovery of 309.42 litres of IMFL from the house of the petitioner as stated in the FIR, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such his application for anticipatory bail is rejected.

(Partha Sarthy, J)

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