

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.14489 of 2020**

Arising Out of PS. Case No.-97 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Muzaffarpur

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ARVIND KUMAR @ RAJA RAY @ ARVIND Son of Lal Babu Ray  
Resident of Village - Madhopur, Susta, P.S.- Sadar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rana Ishwar Chandra, Adv.  
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA  
ORAL ORDER**

2      03-09-2020                      Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Excise Case No.97 of 2019 registered under Section 30(a) of Bihar Prohibition and Excise Act.

According to the prosecution report, the Excise Superintendent disclosed that he got secret information on the basis of which he along with Excise Inspector constituted a raiding party and raided the under constructed house of the petitioner but the petitioner and another managed to flee away. From the under constructed house of the petitioner, 49.670 litres of Indian made foreign liquor of different brands was recovered.

The learned counsel for the petitioner submits that seizure list does not bear the signature of any independent



witness. The recovery is made from under constructed house of the petitioner. The petitioner was not residing in the house. It is almost an open space and, therefore, for the recovery of the liquor from under constructed house of the petitioner, the petitioner cannot be held responsible and thus, the petitioner deserves anticipatory bail but it appears that the Excise Superintendent got secret inputs that it was petitioner who was selling liquor from under constructed house and on such, a raid was conducted. The recovery of 49.670 litres Indian made foreign liquor was made but the petitioner managed to flee away. Petitioner has also got criminal antecedent and he is accused in Muzaffarpur Sadar P.S. Case No.296 of 2018.

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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