

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27289 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- DAGARUA District- Purnia

HARUN RASID aged about 33 years Son of Mojibur Rahman R/o Village-
Rampur Nargadda, Kochaili, P.S.- Dagaruwa, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Dr. Bidhu Ranjan, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-11-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

Petitioner apprehends arrest in Dagaruwa Police
Station Case No. 184 of 2019 registered for the offence
punishable under Sections 30a/47 of the Bihar Prohibition and
Excise Act.

There is allegation of recovery of 28.740 liters of
foreign liquor from the motorcycle of the petitioner.

Learned counsel appearing for the petitioner submits
that the recovery is false, concocted and motivated. It is further
submitted that no incriminating material has been recovered
from the conscious possession of the petitioner and he is not
concerned with the alleged recovered liquor. The mandatory
provision of law for search and seizure given under section 100
Cr.P.C. has not been followed. Petitioner has got no criminal
antecedent.

Learned counsel for the State submits that as the
recovery of illicit wine is from the house of the petitioner, the
anticipatory bail petition is not maintainable under the Bihar



Prohibition and Excise Act.

In view of the above, prayer for bail of the petitioner is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without being prejudiced by this order.

(Prabhat Kumar Singh, J)

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