

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82630 of 2019**

Arising Out of PS. Case No.-94 Year-2019 Thana- JADOPUR District- Gopalganj

OMPRAKASH SAH Son of Surendra Sah Resident of Village - Manguraha,  
P.S.- Jadopur, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      18-02-2020                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, on 16.09.2019, while the informant along with Armed Forces was on patrolling duty, he received a secret information that the petitioner is selling illicit liquor. After receiving such information, the informant reached at the shop of the petitioner and in presence of witnesses, shop of the petitioner was searched and 600 ml. of country made liquor was recovered.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case at the



instance of the police in connivance with the local chowkidar. It is submitted that on perusal of the seizure list, it is apparent that none of local persons have signed as witness on the alleged seizure list and only local Chowkidars have been made as seizure list witness.

Learned Addl. Public Prosecutor has opposed the prayer for anticipatory bail and submits that liquor was recovered from the shop of the petitioner.

Considering the nature of allegation as well as the fact that liquor was recovered from the shop of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

The petition for anticipatory bail is rejected. However, in view of the nature of recovery, it is a case for consideration for regular bail by learned court below if the petitioner surrenders before the court below within a period of six weeks from today.

**(Dinesh Kumar Singh, J.)**

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