

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85644 of 2019

Arising Out of PS. Case No.-230 Year-2019 Thana- SISWAN District- Siwan

Arbind Chaudhary (M) aged about 28 years, S/o Late Radheshyam Chaudhary @ Maku Chaudhary R/o Village- Chainpur Pasi Tola, P.S.- Siswan (Chainpur OP) District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mrs. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-02-2020 The petitioner apprehends his arrest in connection with Siswan (Chainpur O.P.) P.S. Case No. 230 of 2019, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code, 1860 and Sections 30(a) and 38(b) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that Police raided the hut of the petitioner made of asbestos sheet and recovered a total quantity of 14.400 liters of foreign liquor from the same.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as the hut in question does not belong to the petitioner. Learned counsel referring to the seizure list submits that no independent



witness has put signature on the seizure list and seizure has not been done in accordance with the provisions stipulated under Section 100 of the Cr.P.C.

After hearing learned counsel for the parties and taking into consideration the fact that from perusal of the First Information Report it appears that illicit liquor has been recovered from the hut of the petitioner, as such, in view of the Full Bench judgment of this Hon'ble Court passed in Criminal Appeal (SJ) No. 431 of 2019 (Ram Vinay Yadav Versus The State of Bihar), I am not inclined to exercise my discretion to grant anticipatory bail to the petitioner.

Accordingly, the petition is rejected.

(Anil Kumar Sinha, J)

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