

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43112 of 2023

Arising Out of PS. Case No.-426 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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CHHATHU PATEL @ RAHUL PATEL SON OF LATE MAHESH PATEL @
MAHESH PRASAD RESIDENT OF VILLAGE- SANSARAIYA, WARD
NO. 42, PS- BETTIAH MUFFASIL, DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
Excise P.S. Case No.426 of 2023, registered for the offence
punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. Allegedly 17.385 litres of foreign liquor is said to have
been recovered from the house of the petitioner.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He has not been apprehended on the spot
nor any incriminating article has been recovered from his
conscious physical possession. He has no concern with the
recovery of the illicit liquor or any trade of liquor. There is no



compliance of section 100 of the Cr.P.C. Recovery was made from the house of Ghanshayam Rao and planted some of it in a house and shown it as it belongs to the petitioner. Petitioner has four criminal antecedents of similar nature of offence.

5. Having regard to the facts and circumstances of the case, since the recovery has been made from the house of the petitioner, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

6. This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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