

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18192 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- THAKURGANJ District- Kishanganj

Kailash Kamti S/O Late Ram Chalittar Kamti R/O Mallah Patti, Ward No. 08,
P.S- Thakurganj, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Thakurganj P.S. Case No. 258 of 2023, registered on 25.12.2023, for the alleged offence under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, the police received secret information about petitioner keeping illicit liquor in his house and doing trade of liquor. A raid was conducted and the petitioner fled away from the spot and from the courtyard of the house of the petitioner, recovery of 2.580 liters of India made foreign liquor and 300 ml. of country made liquor was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner was neither aware of the incriminating article nor he was having any connection with the recovered article. The recovery has been shown from the courtyard of the house, which was not in exclusive possession of the petitioner as it is a part of joint family property. As nothing has been recovered from the conscious possession of the petitioner and hence, there is no application of Section 30(a) of the Bihar Prohibition and Excise Act. The seizure list was not prepared as per practice and procedure stipulated in Code of Criminal Procedure.

05. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail. Learned APP further submits that the recovery has been made from the house of the petitioner and the petitioner is having criminal antecedent of six cases of similar nature.

06. Having regard to the aforesaid facts and circumstances, I do not think it is a fit case for grant of anticipatory bail to the petitioner. Hence, his prayer for anticipatory bail is **rejected**.

(Arun Kumar Jha, J)

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