

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78396 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- PRATAPGANJ District- Supaul

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1. Ashish Kumar Son of Panchdev Yadav Resident of Ward No. 02, Duaniyan, Police Station - Pratapganj, Dist.- Supaul
 2. Jitendra Kumar Son of Panchdev Yadav Resident of Ward No. 02, Duaniyan, Police Station - Pratapganj, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun .

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-12-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Pratapganj P.S. Case No. 117 of 2024 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (Amended) and Section 25 (1-B)(a), 26, 35 of the Arms Act.

3. As per the prosecution case Police on the basis of secret information that the petitioners along with other co-accused person are involved in illicit liquor and fire arms business, proceeded towards the place of occurrence and on seeing the Police party three persons started fleeing away and succeeded in it. Upon search, the Police recovered 13.5 liters of Nepali liquor,



one country made pistol with one live cartridge from Maa Durga Tent House belonging to the father of the petitioners.

4. Learned counsel for the petitioners submits that no incriminating article and / or illicit liquor has been recovered from the conscious possession of the petitioners rather the same has been recovered from the tent house of the father of the petitioners and the owner of the tent house has not been made accused. He further submits that the informant has not disclosed the name of the informer. He next submits that the informant has not prepared the video footage of search and seizure. The petitioners have no criminal antecedent.

5. Having regard to the submission made on behalf of the parties, taking into consideration the fact that petitioners are specifically named in the F.I.R. and illicit liquor kept in a plastic bag beneath the chair and table in the Maa Durga Tent House has been recovered along with one country made pistol and one live cartridge, as such, I am not inclined to extend the privilege of anticipatory bail to the petitioners. The same stands rejected.

(Anil Kumar Sinha, J)

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