

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2000 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- GOPALPUR District- Gopalganj

Krishna Bhagat Son of Indrasen Bhagat Resident of Sahahpur Pakriamr, P.S. -
Gopalpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-02-2025 1. Heard Mr. Deepankar Raj, learned counsel for the petitioner and Ms. Sangeeta Sharma, learned APP for the State.
2. Petitioner apprehends his arrest in connection with Gopalpur P.S. Case No. 281 of 2024 dated 16.11.2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.
3. As per the prosecution story, acting upon a secret information received, the informant with the aid of other police personnel raided Jin Baba's place situated on the banks of Kilpur Kanta Jharhi river on 16.11.2024 at about 7:50 P.M., and seized a total of 251 litres of country made liquor from the bushes nearby the alleged place.
4. The main submissions advanced by petitioner's counsel are that the FIR clearly shows that merely on the basis



of a secret information, the petitioner has been made accused and the recovery of the alleged liquor was made from bushes at public place since as against the petitioner, there are criminal antecedents of some cases lodged under the Excise Act, so in every case of recovery of liquor, the petitioner is suspected by the police to be involved but the same cannot be made a ground to implicate the petitioner in every matter of recovery of liquor. It is further submitted that the petitioner is on bail in all the cases of his antecedents.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR. Though, the petitioner has been made accused mainly on the basis of secret information and the recovery of the alleged liquor is also said to have been made at a public place from the bushes but the case is under investigation and in view of petitioner's past conduct relating to his involvement in several cases lodged under the Excise Act, the reasonableness of the police's act to suspect the petitioner as being involved in keeping and smuggling the alleged seized liquor cannot be questioned at this stage and the materials available before this court do not persuade this court to make the opinion that the petitioner's



prayer is not hit by the provision of Section 76(2) of the Bihar Prohibition and Excise Act. Accordingly, this court finds no force in the prayer of the petitioner, so, his petition stands rejected.

(Shailendra Singh, J)

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