

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4262 of 2015

Arising Out of PS.Case No. -425 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

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Ashok Sah, Son of Mahavir Sah, Resident of Village - Jagdishpur Kusahi,
P.S.- Motipur, Distt. - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 02-02-2015

Heard both sides.

The petitioner apprehends his arrest in Motipur P.S.
Case No. 425 of 2014 registered under Section 47(A) of the
Excise Act.

According to the prosecution report, it appears that a
raid was conducted and from the Bathan (Hut) of the petitioner,
130 litres spirit like material and plastic wrappers weighing 2 kg
were recovered.

Learned counsel for the petitioner submits that the
petitioner was not apprehended on the spot. No spirit was
recovered. From the seizure list itself, it would appear that the
seizing authority is not definite about the seized material.

On a consideration of the facts aforesaid, it appears
that the police raided the premises of the petitioner and from there

spirit like substance weighing 130 litres was recovered, besides plastic wrappers for keeping country-made liquor.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Motipur P.S. Case No. 425 of 2014. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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