

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33393 of 2015

Arising Out of PS.Case No. -246 Year- 2014 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. NARESH RAI Son of Late Munilal Rai
2. Umesh Singh Son of Late Mangal Singh Both are resident of Village
Sishani, P.S. Pakaridayal, District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Ashok Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 12-08-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and section 47(a) of the Excise Act.

It is alleged that 110 liters of country made liquor were recovered.

It is submitted by the learned counsel for the petitioners that recovery was not made from the possession of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent. It is further submitted that by inadvertence, anticipatory bail application was withdrawn before the learned Sessions Judge.

Considering the fact that anticipatory bail application was withdrawn before the learned court below, the present application is not maintainable but keeping in view the fact that seizure memo does not reflect that the seizure was made from the possession of the petitioners, it is a case for consideration of the prayer for regular bail of the petitioners in case the petitioners surrender within six weeks from today in connection with Pakaridayal P.S. Case No. 246 of 2014 pending in the court of learned SDJM, Sikarahana at Motihari, East Champaran.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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