

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36440 of 2014

Arising Out of Excise Case No. -53 Year- 2012 Thana -GOVERNMENT OFFICIAL COMP.
District- WESTCHAMPARAN(BETTIAH)

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1. Dhruw Paswan @ Dhruv Paswan S/O Late Ramnath Paswan, Resident of
village- Ahwar Shekh, P.S.- Majhaulia, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 03-04-2015 Heard Counsel for the petitioner and Mr. Mehta,

learned APP for the State.

As per allegation, on secret information, a search was carried out in the house of the petitioner where from the room where husk was also stored, 400 ltrs of spirit was found. The petitioner, on seeing the raising team, took to heels and escaped arrest.

The contention of the petitioner is that sample was collected but from the prosecution report it appears that the report thereof has not been enclosed. It cannot be said for sure that the spirit was recovered from the conscious possession of the petitioner.

Learned APP for the State, on the other hand, states

that earlier to this, the petitioner was made accused in a case of similar nature vide Excise Case No. 25 of 2012.

Taking into account the facts and circumstances of the case, this Court is not satisfied that a case for grant of anticipatory bail is made out. Prayer for bail is rejected.

However, if the petitioner surrenders and seeks regular bail, I am sure, the same shall be considered on its own merit uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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