

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47613 of 2015

Arising Out of Excise Case No. -93 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP.
District- SARAN

Suresh Rai, Son of Kishun Rai, Resident of Village - Shiv Nagari, Police
Station - Chhapra Mufassil, District - Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 03-11-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Excise Case
No. 93 of 2015 instituted under Section 47A of the Excise Act.

The allegation against the petitioner is that
from his house 57.6 litres of countrymade liquor, 17.28 litres
of foreign liquor and 15.06 litres of beer have been recovered
without any valid papers.

Learned counsel for the petitioner submits that
the same is the result of enmity with his full brother who has
both informed the police and also planted the said illicit liquor
in his house and the petitioner was also away at the time when
such raid was conducted. It is submitted that the petitioner
has no criminal antecedent.

Learned A.P.P. opposes the prayer for

anticipatory bail and submits that the raiding party which has found and seized the illicit liquor was not aware as to whether the petitioner had inimical terms with his full brother and the full brother being the person present there, having been made witness on the seizure, at least the seizure cannot be doubted.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits, in accordance with law and taking into consideration the submissions made by learned counsel for the petitioner, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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