

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47569 of 2015

Arising Out of PS.Case No. -2 Year- 2005 Thana -GOVERNMENT OFFICIAL COMP. District-
BHABHUA (KAIMUR)

Kamlesh Singh, Son of Daya Singh, Resident of Dewhaliya, P.S.- Ramgarh,
District - Kaimur at Bhabua.

.... 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 02-11-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Excise P.S.
Case No. 02 of 2005 instituted under Sections 47 of the Excise
Act and 20(b) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

The allegation against the petitioner is that
from his village 25 packets each containing 25 grams 'Ganja'
and various kinds of liquor have been recovered.

Learned counsel for the petitioner submits that
there is no specific mention as to from where the recovery has
been made and though it was shown to have been made in
September, 2004 but the Excise Case has been registered only
in January, 2015 which itself raises doubt about veracity of
such recovery. It is further submitted that even the cognizance
has been taken only in the year 2014 and thus the petitioner
had to move for anticipatory bail. Learned counsel submits

that the petitioner having no criminal antecedent deserves the privilege of anticipatory bail.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the mere fact that alleged recovery is from the village of the petitioner, he cannot be said to have been unaware of such recovery and if he had any genuine ground of false implication, on the ground that the recovery was not from his premises or could be connected to him, he ought to have moved the Court for anticipatory bail within a reasonable period but doing so after almost 10 years shows that there was intention to manage the investigation and when the same did not fructify, he had approached the Court.

Considering the abovementioned 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 concerned, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--