

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50934 of 2015

Arising Out of PS.Case No. -175 Year- 2015 Thana -TARAIYA District- SARAN

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1. Musafir Ram Son of Late Bhikhari Ram Resident of village - Lauwa,
P.S. Taraiya, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 08-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 272, 273 and 290 of the Indian Penal Code and under
section 47 (A) of the Excise Act.

A raid was conducted and Raghunath Mahto was
apprehended while he was selling country made liquor. Musafir
Ram, the petitioner, is said to have fled away after throwing a
gallon containing 30 liters of spirit.

It is submitted that no case under section 47(A) of the
Excise Act is made out as it is meant for the company and other
offences alleged to have been committed by the petitioner under
the IPC are bailable but from perusal of the record, it appears that
the petitioner fled away after throwing a gallon containing 30

liters of spirit, section 47(A) of the Excise Act is applicable in the present case.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., learned Chief Judicial Magistrate, Saran at Chapra in Taraiya P.S. case No. 175 of 2015, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that small quantity of spirit was recovered and dispose of the bail petition, if possible, on the same day without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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