

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35970 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -SILAO District- NALANDA
(BIHARSHARIFF)

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1. Chitranjan Kumar S/o Satish Singh Resident of Village - Silao Dih,
Police Station - Silao, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 27-09-2016

Heard learned counsel for the petitioner and Mr.

Gopesh Kumar APP for the State.

The petitioner apprehends his arrest in connection with Silao P.S. case no. 89 of 2016 registered under Sections 272, 273 and 290 of the IPC and Section 47A of the Excise Act.

On 17.7.2016, the police on getting secret information that the petitioner was involved in sale of liquor at a public place (Sarvodaya Pustakalaya) conducted a raid and on search two cartoons of foreign liquor containing bottles of 12 C.C. and 11 C.C. as well as 750 ML bottles of the foreign liquor were seized in presence of the witnesses.

Contention of the petitioner is that he was not found or arrested at the place of occurrence. The place from where the recovery is made is a public Pustakalaya. It cannot be said to have been recovered from the conscious possession of the petitioner.

Learned counsel for the State opposed the prayer. It is submitted that First Information Report itself alleges that the petitioner was involved in illegal sale of foreign liquor.

Looking to the nature of the allegation and other materials reflected from the record, I am not persuaded to extend him the privilege of anticipatory bail. Prayer is, accordingly, rejected.

However, if the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merit unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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