

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10563 of 2016

Arising Out of PS.Case No. -15 Year- 2011 Thana -GOVERNMENT OFFICIAL COMP. District-
BHABHUA (KAIMUR)

=====

Jitendra Pratap Singh S/o Gopal Narayan Singh Resident of village -
Nonar, P.S. Ramgarh, District - Kaimur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Anant Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

02/ 08-03-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Section 47(a)
of the Excise Act.

Thirty litres of country made liquor and
250 kgs. of fermented Mahua were recovered from the brick kiln
of the petitioner.

It is submitted by learned counsel for the
petitioner that the recovery cannot be treated from the possession
of the petitioner because the area of the entire brick kiln cannot
be treated in exclusive possession of the petitioner as the several
labourers used to reside there.

The impugned order reflects that the

complaint was registered in 2011 and the petitioner has been declared absconder. In that view of the matter, this Court is not inclined to grant anticipatory bail to the petitioner.

However, considering the quantity of recovery and the place of recovery, which is not the residential area of the petitioner coupled with the statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the learned court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Excise Case No. 15 of 2011, Trial No. 2197 of 2015 pending in the court of learned Chief Judicial Magistrate, Kaimur at Bhabua. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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