

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43980 of 2016

Arising Out of PS.Case No. -246 Year- 2016 Thana -CHANDI District- NALANDA
(BIHARSHARIF)

Nunu Ram Son of Jhopari Ram, Resident of Village-Madhapur Garh, P.S.- Chandi,
District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in Chandi P.S.

Case No. 246 of 2016 dated 22.08.2016 instituted under Sections
272/273 of the Indian Penal Code.

The allegation against the petitioner is that from his
shop 24 bottles containing 750 ml. each of Indian Made Foreign
Liquor has been recovered.

Learned counsel for the petitioner submits that
though there is allegation of recovery, but the same was behind his
back and even from the seizure list, there is no signature of his family
members, which clearly indicates that there is false implication.

Learned A.P.P. opposes the prayer and submits that

there have been two independent witnesses who have signed and in the shop it cannot be expected that the family members would be there. It is submitted that there is no reason for false implication of the petitioner as the recovered items are very much there and not fictitious. It is further submitted that the recovery by the police cannot be said to be false implication due to village politics.

Having considered the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

However, in the event the petitioner surrenders before the Court below and seeks regular bail within one month from today, 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

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	