

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33460 of 2016

Arising Out of PS.Case No. -141 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

1. Nand Kishore Rai Son of Late Adalat Rai Resident of Village-
Rupchhapra (Pachgactitiya), Police Station- Sahebganj, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Sri Sakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner as well as
learned counsel for the State.

In this application for anticipatory bail the petitioner
apprehends his arrest for the offence punishable under section 47
(A) of the Excise Act.

Allegedly, from the phoosh hatched Bathan of the
petitioner foreign liquor kept in seven cartoons in different bottles
and several pouch of country made liquor were recovered but the
petitioner succeeded in fleeing away.

Submission is of false implication and that nothing
has been recovered from possession of the petitioner, the two
seizure list witnesses have sworn affidavit in this regard also, it is

first offence and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering the alleged recovery, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Sahebganj P.S. Case No. 141 of 2014 pending in the court of S.D.J.M. West Muzaffarpur.

However, if the petitioner surrenders and seeks regular bail within six weeks from the date of receipt/production of a copy of this order then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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