

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27946 of 2016

Arising Out of PS.Case No. -162 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

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Md. Mazid S/o Md. Zamir resident of Village- Katai, P.S. and District-
Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ratanakar Jha, Advocate.

For the Opposite Party : Mr. Gauri Shankar Gupta, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-09-2016 Heard both sides.

The petitioner apprehends his arrest in Madhubani (Town) P.S. Case No. 162 of 2016 registered for the offences punishable under Sections 47(a)/54 of the Excise Amendment Act, 2016.

The police got secret information that petitioner was coming with country made foreign liquor, on such, the police saw the petitioner coming on a motorcycle with bottles of whisky in a sack but the petitioner managed to flee away with the motorcycle leaving the sack in the garden.

Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner. Md. Niyaz

Ahmad who is one of the witnesses of seizure list is on inimical term with the petitioner as wife of the petitioner filed Complaint Case No. 363 of 2016 on 10.05.2016. But it appears that the present occurrence took place on 26.04.2016 and the wife of the petitioner filed the complaint much after the present occurrence alleging that the occurrence took place on 26.04.2016.

Considering the facts aforesaid and the fact that many people saw the petitioner fleeing away after throwing sack filled with wine, I am not inclined to enlarge the petitioner above named on anticipatory bail in Madhubani (Town) P.S. Case No. 162 of 2016, pending in the court of Chief Judicial Magistrate, Madhubani. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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