

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43100 of 2016

Arising Out of PS.Case No. -108 Year- 2016 Thana -JOGBANI District- ARRARIA

1. MD. ISRAIL @ MD. IZRAUL @ MD. IZRAIL son of Md. Abbas Alam
resident of Village- Alam Tola, P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Sri Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 25-10-2016

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Jogbani (Bathnaha) P.S. Case No. 108 of 2016, disclosing offences under Sections 272,273 of the Indian Penal Code and 47 of the Bihar Excise (Amendment) Act.

The Excise officials seized 200 bottles of Nepali liquor loaded in a three wheeler. The said three wheeler admittedly belongs to the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that it cannot be said that the recovery was made from the petitioner's possession and, therefore, according to him, no offence under the provisions of Bihar Excise Act is made out against him. He has also submitted that the persons, who are witnesses to the seizure

memo have subsequently filed *suo motu* affidavits before the Chief Judicial Magistrate denying that any seizure was made in their presence.

However, considering the nature of accusation , I am not inclined to grant him privilege of anticipatory.

This application is rejected.

Petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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