

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47486 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -TARAIYA District- SARAN

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Nand Kishore Rai Son of Late Shankar Rai resident of Village- Usari
Chandpura, Police Station- Taraiyan, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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

2 16-12-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Taraiyan P.S. Case No. 72 of 2016 for the offences punishable under sections 272 and 273 of the I.P.C and section 47 (A) of the Excise Act.

Allegedly, from house of the petitioner 1800 liters 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 conscious possession of the petitioner, the petitioner has been made victim of the circumstances, there is no compliance of section 100 of the Cr.P.C, the alleged search and



seizure are not reliable, copy of the seizure list was not given to any one and the witnesses of the seizure list are not independent witnesses at all, on the alleged date of occurrence the petitioner was working as a cook helper at Phagwara, he was at his duty and was not present at his residence, vide Annexure-2, and as such the petitioner deserves sympathetic consideration.

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

In the facts and circumstances as stated above, considering the alleged recovery from the house of the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with above mentioned case pending in the court of the learned A.C.J.M. 9th, Chapra, Saran.

(Jitendra Mohan Sharma, J)

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