

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33762 of 2016**

Arising Out of PS.Case No. -42 Year- 2016 Thana -CHAKAMHESI District- SAMASTIPUR

Mantun Sah son of Raghunath Sah resident of village - Jagdish Paran,  
Police Station - Chakmehsi, District - Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      20-08-2016      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with  
Chakmehsi P.S. Case No. 42 of 2016 registered for the offence  
punishable under Sections 272 and 273 of the Indian Penal Code  
and Section 47(A) of the Excise Act.

The prosecution case, in brief, is that on  
02.04.2016 at 10:30 P.M. while the informant along with other  
police personnel was on night patrolling, he received information  
that accused Mantun Sah has kept liquor in the Bhuskar in front of  
his house illegally. Having received the information, informant  
searched the Bhuskar and recovered 21 bottles each of 180 ML, 12  
bottles each of 375 ML and 9 bottles of Royal Stag each of 180

ML, 3 bottles each of 375 ML kept in a plastic bag. Total liquor seized was 11 liters and 25 ML. Petitioner was not found in his house and no satisfactory explanation was given by his family members for possessing the said liquor.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case. He submits that nothing has been recovered from the conscious possession of the petitioner and a quantity of 11.025 liters of IMFL liquor was seized from Bhuskar situated in front of his house. He further submits that neither LTI was taken by the Investigating Officer nor seizure-list was handed over to the family members of the petitioner, as such, offence would not be attributable to the petitioner. It has further been submitted that petitioner has no criminal history, as is evident from paragraph 3 of this application and even otherwise being first offender, he may be enlarged on anticipatory bail.

However, learned A.P.P. for the State submits that huge quantity of foreign liquor has been seized from Bhuskar situated in front of the house of and that he is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since recovery has not been made from the conscious possession of the petitioner, let the petitioner,

named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Chakmehsi P.S. Case No. 42 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Nilu Agrawal, J.)**

Arjun/-

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