

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.901 of 2017

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Mukesh Kumar, S/o Late Laldeo Rai, R/o Village- Sarai Dhanesh, P.S. -
Desari (Sahdei O.P.), District- Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rina Sinha, Advocate

For the Opposite Party : Mr. Panchanand Pandit (APP)

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

2 16-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Desari (Sahdei O.P.) P.S. Case No. 236 of 2016, registered
for the offences punishable under Sections 36, 37, 38, 41 of Bihar
Excise Act.

Allegedly, from the house of the petitioner, from the
handbag and plastic bag foreign liquor of several bottles were
recovered as per seizure list.

Submission is of false implication and that nothing
has been recovered from possession of the petitioner. Copy of the
seizure list was given not to any house inmates of the petitioner
and in utter violation of the mandatory provision of law the search



and seizure have been made. The copy of seizure list was given to the witness Sanjay Kumar Chaudhary and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest 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 Desari (Sahdei O.P.) P.S. Case No. 236 of 2016, pending in the Court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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