

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9544 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -AMAUR District- PURNIA

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Raghavlal Bishwas @ Raghu Bishwash Son of late Uttam Lal Bishwas
Resident of Village: Milki, P.S. Amaur, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashankar Singh

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Amour P.S.

Case No. 06/2017 instituted for the offence under sections 273 of
the Indian Penal Code and 30 of Bihar Prohibition of Excise Act.

It is submitted on behalf of the petitioner that his
name has been disclosed by co-accused Rupesh Kumar who had
been apprehended by the police. There is no recovery from the
conscious possession of this petitioner. Therefore, no offence
under Excise Act is made out against this petitioner.

From the written report, it appears that police
apprehended two persons who are said to be son and grandson of
this petitioner and recovered 132 liters of illicit liquor of different
brand concealed under the earth.



It is submitted that those apprehended persons disclosed the name of the petitioner as person who fled away. It is further submitted that both apprehended persons stated before the police that they have concealed the illicit liquor and thereafter, seizure list was prepared and handed over to them.

In this manner, the petitioner was neither present nor any recovery was made from his possession.

It is mentioned in para-3 that the petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner named above, within six weeks from today, in connection with Amour P.S. Case No.06/2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Krishna Gopal, Additional Chief Judicial Magistrate VI, Purnea, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J)

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