

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13206 of 2017

Arising Out of PS.Case No. -827 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Sarfaraj Ahmad @ Md. Sarfraz, Son of Late Mumtaj Ahmad, Resident of
Mohalla- Belbanwa, P.S.- Motihari Town, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate

For the Opposite Party/s : Mr. Sri Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 12-04-2017 Heard.

The petitioner apprehends his arrest in connection with
Motihari Town P.S. Case No. 827 of 2016 pending in the Court of
CJM, Motihari registered for an offence under Sections
272,273,34 of the IPC and 30(a),38(1) of the Bihar Prohibition and
Excise Act.

The informant in his written report has alleged that on the
date of occurrence, on secret information, he along with other
police officials, raided the shop of one Md. Soni and recovered 3
bottles Royal Stag country made wine. The accused persons fled
away.

Learned counsel for the petitioner submits he has been
falsely implicated in the present case. Nothing has been recovered



from his possession and the recovery was made from the shop of Md. Sonu.

The learned APP, on the other hand, opposed the submission, by submitting that in view of provision of Section 76(2) of the Bihar Provision of Excise Act, 2016, the present anticipatory bail petition is not maintainable. Besides that the police have seized country made wine from their house in presence of independent witnesses.

In the facts and circumstances of the case, the prayer of the petitioner is rejected. Petitioners prayer for bail in the event of his surrender, shall be considered by the learned court below on its merit without being prejudiced by this order.

(Sanjay Kumar, J)

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