

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22248 of 2017

Arising Out of PS.Case No. -410 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Avinash Raj @ Avinash Kumar son of Sri Hit Lal Sah Resident of Village -
Chainpur, P.S. - Kanti, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta, A.P.P.

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

3 01-07-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with Sadar
P.S. Case No. 410 of 2016 registered for the offences punishable under
Sections 47(A) and 57 of the Bihar Excise Act, 2016.

Allegedly, acting on a tip off that the petitioner is dealing
with illicit liquor and is waiting for customer after taking the liquor on
motorcycle, raid was conducted and after seeing the police personnel,
the petitioner and other unknown co-accused started fleeing away and
succeeded in fleeing away after throwing a black color bag. After
search from that bag, 15 bottles of Royal Stage Premier whisky each
containing 375 M.l., mobile containing sim in the name of the petitioner
were recovered.



Submission is of false implication and that the petitioner has been made victim of circumstances. He has not been arrested at the spot and nothing has been recovered from the conscious possession of the petitioner and as such, he deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that from the bag besides 15 bottles of Royal Stage Premier whisky, mobile of the petitioner was also recovered.

In the facts and circumstances, stated above, considering the allegation, I am not inclined to grant privilege of pre-arrest bail to the petitioner. Accordingly, the prayer of pre-arrest bail is rejected.

(Jitendra Mohan Sharma, J.)

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