

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54848 of 2016

Arising Out of PS.Case No. -54 Year- 2015 Thana -GOVT. OFFICIAL COMPLAINT CASE
District- SEKHPURA

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Mukesh Kumar, son of Late Hari Prasad, resident of village – Pharpar, P.S.-
Ariari, District – Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Sri Umanath Mishra

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

3 10-01-2017 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner apprehends his arrest in connection with Case
No.54 C-2/2015 registered for the offences punishable under
Section 47(A) of the Excise Act.

Allegedly, from the premises of the petitioner, 7 ltr country
made liquor and 34.935 ltr foreign liquor were recovered from the
side room of the shop and the petitioner succeeding in fleeing
away.

Submission is of false implication and that the petitioner has
got no concern with the alleged premises. The petitioner is neither
the owner nor the manager of the shop rather the petitioner is said
to be staff of owner of the shop. The case has been lodged after



three days. The owner of the house from where seizure has been made has not been named. The petitioner was neither present on the spot nor anything has been recovered from the possession and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail by pointing out the alleged recovery.

Considering the direct allegation against the petitioner for selling foreign country made liquor and further considering the alleged recovery, I am not inclined to grant the privilege of pre-arrest bail to the petitioner and accordingly, this Cr. Misc. application stands disposed of.

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

(Jitendra Mohan Sharma, J)

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