

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10000 of 2017

Arising Out of PS.Case No. -344 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

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Pramod Rai Son of Vishnath Rai, Resident of Mangai-Dih Mishrawaliya,
Police Station- Chapra Muffasil, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Muffasil P.S.

Case No. 344 of 2016 instituted for the offence under sections
47, 47(a), 48(2), 57(1) of Bihar Excise Act, 2016.

It has been submitted on behalf of the petitioner in
para-5 that seized motorcycle from which the liquor has been
recovered does not belong to him.

In the written report, it is alleged that 25 liters of
country-made liquor has been recovered kept in a rubber tube on
the motorcycle. The independent witnesses disclosed the name of
fled away persons before the police as Pramod Rai and Biswanath
Rai.

As per seizure list and the written report, there is no



recovery of any liquor from the possession of this petitioner. The petitioner was not present on the spot as per statement made in para-5. The aforesaid motorcycle also does not belong to the petitioner.

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

It is made clear that in the event, the motorcycle is found to belong to the petitioner, the court below will be at liberty to take action against the petitioner for giving wrong statement and cancel his bail bond.

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 Muffasil P.S. Case No. 344 of 2016, 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 Chief Judicial Magistrate, Saran, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J)

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