

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18411 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -SARAI RANJAN District- SAMASTIPUR

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Ajit Kumar Mahto @ Ajit Kumar, Son of Ram Ganesh Mahto, Both
Resident of Village- Surmar Meyari, P.S.- Sarairanjan, Dist.- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-05-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Sarairanjan P.S. Case No. 41/2017 (G.R.No. 615/2017), registered for offences punishable under Section 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is of recovery of 3 liters of foreign liquor from his house.

However, it has been submitted on behalf of the petitioner that the falsity of the case will appear from the fact that nobody was present in the house but the house was searched and recovery was made. It is further submitted that there is delay of six days in sending the FIR to the police station for institution of a



case and in seizure list also there is no signature of any independent witness rather the signatures are of Choukidars of the village. It has also been submitted that other co-accused has already been granted bail by the lower court itself. The petitioner has clean antecedent and he is a student.

Heard learned A.P.P.

Having heard both sides and in view of the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner may surrender before the learned court below and make prayer for regular bail on the basis of the above statement and the learned court below will consider that nobody was present in the house at the time of recovery and secondly the other co-accused has already been granted regular bail by the Court concerned and pass appropriate order preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

S.Pandey/-

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