

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47054 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District -
MUZAFFARPUR

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Pawan Kumar, son of Binda Pandit, resident of village-Kalyanpur, Harauna,
P.S. Motipur, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 31-01-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Special Excise Case No.57 of 2017 registered under Sections
30(a) and 37(b) of the Excise Act.

The accusation is that on receiving secret information,
S.I. of Motipur Circle, Muzaffarpur, raided the hut situated at
Pansalwa Chowk. At that time, two persons started to flee away
from the hut but one was apprehended with one bottle containing
150 ml. Indian Made Foreign Liquor, who disclosed his name as
Ram Lal Sahni and also disclosed the name of this petitioner, who
succeeded to flee way.



Learned counsel for the petitioner submits that, earlier, the prayer of the petitioner for grant of anticipatory bail was dismissed as withdrawn vide order dated 09.08.2017 passed in Criminal Misc. No.37458 of 2017, due to non-maintainability of that application filed under Section 438 of the Code of the Criminal Procedure for the offence under the Bihar Excise (Amendment) Act, 2016, but, later on, a Division Bench of this Court in Criminal Misc. No.21578 of 2017 (Manish Kumar alias Lokesh Kumar Versus The State of Bihar) held that the application filed under Section 438 of the Code of Criminal Procedure for the offence under the Bihar Excise (Amendment) Act, 2016, is maintainable. It is further submitted that it would appear from the F.I.R. that one Ram Lal Sahni was apprehended with one bottle containing 150 ml. Indian Made Foreign Liquor, and he disclosed the name of this petitioner, who succeeded to flee away, in his confessional statement. The petitioner was not apprehended on the spot. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-III-cum-Special Judge, Excise, Muzaffarpur, in connection with Special Excise Case No.57 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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