

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3831 of 2019

Arising Out of PS. Case No.-239 Year-2018 Thana- MUSAHARI District- Muzaffarpur

Mukesh Kumar Sah, son of Gopal Sah @ Chulhai Sah @ Gopal Prasad
Resident of Village- Naya Gaon, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mushahari P.S. Case No. 239 of 2018 dated 18.10.2018 instituted for the offences under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Fifteen (15) litres of liquor is said to have been recovered from the house of the petitioner.

Learned counsel for the petitioner has submitted that the recovery has admittedly been made in the absence of the petitioner. In fact, nobody was present in the house of the petitioner.

Learned counsel for the petitioner has also



raised grievance that the witnesses to the search and seizure were outsiders and not any person from the village. It has therefore been urged that there could be a possibility of planting of those bottles of liquor for falsely framing the petitioner. This if further evident from the fact that the petitioner does not have criminal antecedents.

However considering the fact that the recovery has been made from the house of the petitioner, I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail is rejected.

In case the petitioner surrenders and prays for bail, the court below shall look into the aforesaid aspects, especially that the petitioner does not have any criminal antecedents and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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