

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10612 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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KUMAR AMITABH Son of Kumar Anand Ballabh Singh Resident of
Mohalla - Shivpuri, Anisabad, P.S. - Gardanibag, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Ahtasham Ali Khan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-04-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Motipur P.S.Case No.25 of 2019 dated 14.1.2019 registered for offences punishable under Sections 120(B)/34 of the Indian Penal Code and Section 30(a), 38(1)(2) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner is recovery of liquor from his house.

Submission of the learned counsel for the petitioner is that as a matter of fact the petitioner was posted in the month of November, 2018 and there was no *Malkhana* at Motipur Police Station and usually seized articles were kept in the house of the Officer Incharge and the petitioner has not taken charge of the seized articles prior of taking over the charge of the officer



Incharge. Further submission is that the materials further show that articles kept in his house are seized articles of various cases altogether 50 cases but only after perusing the seizure list of 60 cases, it appears that the articles were kept in the house of the petitioner. He is a government servant and there is no chance of his absconding.

Heard learned A.P.P. , who has opposed the prayer for bail on the ground that the processes under Section 82 and 83 of the Cr.P.C. have already exhausted on 19.2.2019..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned Special Judge on the basis of submission as made above who after perusing the materials on the record will pass appropriate order, if possible on the same day.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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