

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45159 of 2019

Arising Out of PS. Case No.-896 Year-2018 Thana- SITAMARHI District- Sitamarhi

MD. AKHTAR S/o Md. Wakil R/o village- Ward No. 6 Mahsaal Got, P.S.-
Sitamarhi, District- Sitamarhi- PIN 843302

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-07-2019 This application, for grant of anticipatory bail, arises out of Sitamarhi P.S. Case No. 896/18, disclosing offences under Sections 272 and 273 of the Indian Penal Cod and Section 30(a) of the Bihar Prohibition of Excise Act, 2016.

Prosecution case as per the self statement recorded by the Assistant Sub Inspector, Sitamarhi Police Station is to the effect that on secret information went to the Kabristan of village Mehsaul and on seeing the police one person started fleeing away and search 55.110 litres of liquor was recovered from the Kabristan and on query the local people disclosed that the person, who fled away was the petitioner.

Submission of learned counsel for the petitioner is that the has falsely been implicated in this case and nothing has been recovered either from his possession or from his house and



the F.I.R. itself shows that the recovery is from the Kabristan.

Learned counsel for the State opposed the prayer for bail and submitted that petitioner is named in the F.I.R. and he was seen fleeing away from the place of occurrence and his name has been disclosed by the villagers and not by other accused persons.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the basis of materials available on record, if possible on same day, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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