

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73544 of 2018

Arising Out of PS. Case No.-234 Year-2018 Thana- MALSALAMI District- Patna

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Anil Yadav @ Anil Ray Son of Late Fudi Ray @ Khuddi Ray, Resident of
Mohalla-Patthar Ghat, Marufganj, Patna City, P.S. Malsalami, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar

For the Opposite Party/s : Mr. Narendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 19-06-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 272 and 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

70 litres of country made liquor is said to have
been recovered from the drain allegedly dumped there by the
petitioner who managed to escape seeing the police party.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no
concern with the seized liquor. There is violation of Section



100 Cr.P.C.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that petitioner is having criminal antecedent and altogether three other cases under Excise Act have been lodged against the petitioner. Hence he does not deserve bail.

In the facts and circumstances of the case and in view of criminal antecedent of the petitioner, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the learned court below within six weeks and seek regular bail and the learned court below shall dispose of the bail petition on the very date of the surrender of the petitioner considering the facts and circumstances of the case in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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