

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6356 of 2020

Arising Out of PS. Case No.-353 Year-2019 Thana- HARSIDHI District- East Champaran

NAJRE ALAM Son of Langadu Miyan @ Amir Hussain Resident of Village-
Sariswa, P.S.-Harsidhi, District-East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 08-07-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Harsiddhi P.S. Case No. 353 of 2019, disclosing offence under Sections 272, 273, 188, 420, 308 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is the case of the prosecution that pursuant to a raid conducted on the basis of a secret information, a truck was seized, from which 6200 liters of raw spirit was recovered. No one was found present in the truck. Name of the petitioner appears to have emerged on the basis of disclosure said to have been made by the persons standing nearby the truck. They allegedly told the police that the spirit belonged to the petitioner and others.



Learned counsel appearing on behalf of the petitioner has submitted that no offence under the provisions of Excise Act can be said to be made out against this petitioner in the absence of any cogent material for his implication. He has submitted that, apparently, there was no seizure made from the petitioner's possession and the identity of the persons, who allegedly told the police that the recovered item belonged to the petitioner and others, is completely vague and not disclosed.

On perusal of the case diary also, I do not find any cogent material to connect the petitioner with the offence.

Be that as it may, considering the facts and circumstances, this application is disposed of with a direction to the petitioner to surrender before the Court below within four weeks from today and seek regular bail. Considering the basis, on which the petitioner has been implicated, it is directed that if the petitioner seeks regular bail after he surrenders before the Court below, the same shall be considered and disposed of on the same day.

With the above observation, this application stands disposed of.

(Chakradhari Sharan Singh, J)

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