

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19740 of 2020**

Arising Out of PS. Case No.-10 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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LAL BABU RAM Son of Kelu Ram @ Kailu Ram Resident of Village -
Khatuaha, P.o.- Khairi, P.S.- Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-06-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Excise Case No. 10 of 2014 registered under sections 47(a) of the Excise Act.

As per the prosecution report, on a secret information having been received, a raid was conducted and it is stated that the petitioner left behind two plastic containers and managed to escape. A total of 80 litres of country made liquor was recovered.

It is submitted by learned counsel for the petitioner that from the prosecution report itself it would be evident that no



recovery of liquor has been made from his possession and in fact, the recovery is from the road side. The petitioner has one case pending of the year 2011. It is further submitted that the place of recovery and his house are under different police station. Further, although the recovery is stated to have taken place on 2.8.2013 but the prosecution report was sent on 28.01.2014 without giving any explanation for the same.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties, it transpires that for the occurrence of the year 2014, the petitioner surrendered after more than five years on 20.03.2020 and he also has a case under the Excise Act against him. Thus, in the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and, as such, his application for bail is rejected.

(Partha Sarthy, J)

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