

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19238 of 2017

Arising Out of PS.Case No. -608 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Santosh Kumar, son of Bhubneshwari Prasad Yadav, Resident of Village-
Baijnathpur, P.S.- Sour Bazar, District- Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-05-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Kotwali (Barari) P.S. Case No. 608 of 2016 registered for the offences punishable under Section 30(a) of Bihar Excise Act, 2016.

Allegation as per FIR is of recovery of huge quantity of liquor from Hundai Santro vehicle and one co-accused has been arrested at the spot. It is alleged that petitioner has fled away from the place of occurrence and petitioner is named in the FIR.

It has been submitted on behalf of the petitioner that FIR itself shows that nothing has been recovered from the possession of the petitioner and driver of the vehicle has disclosed the name of the petitioner as the owner but Annexure-2 shows that



petitioner is not owner, rather owner is some other person.

Heard learned APP also.

Having heard both sides and in view of the fact that petitioner is named in the FIR, as such, I am not inclined to grant anticipatory bail to the petitioner, rather petitioner should surrender and make a prayer for regular bail, which shall be considered by the court below considering the submission as above and the court below will pass appropriate order, preferably on the same day.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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