

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7689 of 2017

Arising Out of PS.Case No. -680 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Amit Kumar son of Sadanand Tiwari, Resident of Village- Kulharia, P.S. Parbatta, District- Khagaria. Presently Residing at Mohalla- Anand Bazar P.S. Danapur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 06-04-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kotwali (Barari) P.S. Case No. 680 of 2016 for the offence punishable under section 30 (a)/38 of the Bihar Prohibition and Excise Act, 2016.

Allegedly, from Tabera vehicle of the petitioner huge quantity of foreign liquor was recovered. The driver Manohar Sahni and one Saurabh Kumar were arrested.

Submission is of false implication and that the petitioner has no knowledge about loading of foreign liquor in his vehicle which was default of the driver, the petitioner was not apprehended from the vehicle, the petitioner has sent his vehicle



for servicing which was due and the driver got loaded the liquor and as such the petitioner deserves sympathetic consideration, he is a retired Military man.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner is owner of the vehicle in question.

In the facts and circumstances as stated above, considering that the petitioner is owner of the vehicle from which liquor was being transported, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Bhagalpur.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order, preferably on the same day.

(Jitendra Mohan Sharma, J)

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