

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6559 of 2017

Arising Out of PS.Case No. -234 Year- 2016 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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Ram Vilash Sah son of Bkabhulal Sah, resident of village Saidpur, P.S.
Ganga Bridge, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 10-02-2017 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Lalganj P.S. Case No. 234 of 2016, registered for the offence
under Sections 47(A)(1)(E)(F), 51, 52, 54 of Bihar Excise
Amendment Act, 2016.

Allegation is that the police seized the vehicle on
suspicion on the road and recovered 204 litres of foreign liquor. It
is submitted that the petitioner is the owner of the said vehicle, but
he had given the vehicle to the driver for transporting on payment
basis so no recovery was made from possession of the petitioner.

Considering the recovery from the vehicle of the
petitioner and in view of Section 76(2) of the Bihar Excise Act, I
am not inclined to admit the petitioner on anticipatory bail in
connection with Lalganj P.S. Case No. 234 of 2016, pending in the
court of Chief Judicial Magistrate, Vaishali at Hajipur. The prayer
for anticipatory bail is rejected.

However, if the petitioner surrenders in the court below
and seeks regular bail, then the same shall be considered on merit



without being prejudiced by this order.

(Arun Kumar, J)

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