IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23651 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -MAJORGANJ District- SITAMARHI

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Shyam Babu Kumar, son of Paryash Rai, R/o Village Ganeshpur (Bhavangama), P.S. Riga, Dist. Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Mejarganj P.S. Case No. 107 of 2017 registered for offences under sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Excise Amendment Act, 2016.

In the present case, the police party was on patrolling duty, they saw two persons were coming from motorcycle, they were intervened and their identity was asked, the accused persons disclosed their names as Shyam Babu Kumar and Umesh Sahni and also produced the photocopy of the paper related to motorcycle. By this time, one four wheeler vehicle was coming but, the driver stopped the truck before 30-35 meter form them, in

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the meantime, the motorcycle borne persons fled away but, Umesh Shani was caught hold. From the four wheeler vehicle, huge quantity of Nepali Saufi wine and AC Gold wine were recovered. From the possession of Umesh Shani, a mobile was recovered. He has also stated that he was carrying the liquor of Shyam Babu Kumar, the petitioner.

Learned counsel for the petitioner has produced an order dated 17.3.2017 in Cr. Misc. No. 11084 of 2017, whereby, the petitioner of that case has been granted bail for similar offence.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner, namely, Shyam Babu Kumar is rejected.

If the petitioner would surrender before the court below within a period of four weeks from today, the court below is directed to consider the prayer for bail on the same day itself and pass an order in accordance with law without being prejudiced by this order.

(Shivaji Pandey, J)

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