

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6201 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -GOVINDPUR District- NAWADA

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Animesh Kumar, S/o Sanjay Kumar, Resident of Nonay, P.S.- Akbarpur,
District- Nawada, Bihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi with Ms.Shally
Kumari, Advocates

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-02-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Govindpur P.S. Case No. 105 of 2016 registered for the offences punishable under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

It has been submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner, rather 38 litres of country made liquor are alleged to have been recovered from the vehicle, owner of which is the petitioner, and he has been made accused in this case in view of the fact that documents recovered from the vehicle show that petitioner is the owner of the vehicle and no case has been made out against him.

Heard learned APP also.



Having heard both sides and considering the facts and circumstances of the case and also in view of Section 76(2) of Bihar Prohibition and Excise Act, 2016, I am not inclined to grant anticipatory bail to the petitioner. Let him surrender and pray for regular bail in the court below, which shall be considered keeping in view the fact that nothing has been recovered from the possession of the petitioner and he has been made accused in this case because the documents show that the petitioner is the owner of the vehicle, and disposed of preferably on the same day the bail application is filed, without being prejudiced by this order.

Accordingly, this application is disposed of with the above observations.

(Vinod Kumar Sinha, J)

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