

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 48192 of 2017**

Arising Out of PS. Case No.-466 Year-2017 Thana- Motihari Town District- East Champaran

Sumit Kumar Jaiswal Son of Lalan Prasad Jaiswal Resident of village-  
Nakchhed Tola, Ward No.- 4, P.S.- Motihari Town, District- East Champaran  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Ram Bachan Singh

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 17-10-2017                      Heard Sri Krishna Kant Singh, learned counsel for the petitioner and Sri Ram Bachan Singh, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Motihari Town P.S. Case No. 466 of 2017 registered for offence under Sections 30(a), 38(i), 41(i) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that petitioner's name has come in confessional statement of co-accused, however; it was not disputed that after confession of co-accused, a raid was conducted in the house of the petitioner, from where, recovery of about 75 liters of Indian make foreign liquor was shown. It was submitted by learned counsel for the petitioner that the premises, from where recovery was effected,



belongs to his mother and same was already given on rent to one Manjit Kumar and as such, it has been argued that it is a fit case for extending privilege of anticipatory bail. He has further argued that petitioner is having clean antecedent.

However, considering the fact that though petitioner's name has come on confession, but confession has led to recovery of huge quantity of liquor from the premises, which ofcourse is being disputed, at the moment, the Court is of the opinion that in such circumstances, the petitioner may not deserve to be enlarged on anticipatory bail.

Accordingly, the prayer for anticipatory bail stands dismissed.

However, while dismissing, it is desirable to observe that if within a period of six weeks from today, the petitioner appears before the court below and makes a prayer for regular bail, the learned court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law, preferably; on the same date.

**(Rakesh Kumar, J.)**

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