

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69429 of 2018

Arising Out of PS. Case No.-146 Year-2018 Thana- KISHUNPUR District- Supaul

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Pawan Kumar @ Pawan Kumar Pandit, S/o Satyanarayan Pandit, Resident of
Village- Saraygodh, P.S.- Kishunpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr.Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kishunpur P.S. Case No. 146 of 2018 dated 29.05.2018 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It has been submitted by the learned counsel for the petitioner that he was not arrested on the spot; rather has been named by another person. The records reveal that the father of the petitioner was arrested, who disclosed that his son viz. the petitioner was accompanying him when the police party had signalled him to stop for checking his motorcycle. From the possession of the father of the petitioner, 7.2 litres of



liquor was recovered.

Learned counsel appearing for the petitioner has submitted that all said and done, his implication in this case is only on the basis of confession of a co-accused person and that he has no criminal antecedents.

However considering the fact that the motorcycle from where the recovery was made belongs to the petitioner and that he has been named by his own father, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However if the petitioner surrenders before the court below and seeks regular bail, the court below shall take into account that the petitioner was not arrested on the spot and has clean antecedent and that his father, a co-accused has already been granted bail and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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