

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4511 of 2019

Arising Out of PS. Case No.-57 Year-2017 Thana- SAHARGHAT District- Madhubani

Surendra Sada son of Ram Ashish Sada Village – Uttra, P.S – Shaharghat,
Distt.- Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Shaharghat P.S. Case No. 57/2017 registered under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 pending in the court of learned District and Sessions Judge cum Special Judge (Excise), Madhubani.

Learned counsel for the petitioner submits that no doubt the petitioner seems to be the owner of the vehicle but he has been wrongly described as driver of the vehicle in the F.I.R. Learned counsel submits that the another accused Chhote Nayak had taken away the vehicle and in fact he was driving the same.

On the other hand, learned A.P.P. on behalf of the State submits that when the vehicle in question was intercepted



by the police party, the petitioner fled away leaving 24 liters of illicit liquor in the vehicle. It is thus submitted that he does not deserve the privilege of anticipatory bail.

Having heard learned counsel for the parties and on perusal of the records, this court finds that petitioner is the owner of the vehicle and he has been described as owner cum driver of the vehicle from which 24 liters of illicit liquor has been recovered. This court is not willing to grant the privilege of anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is refused.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, the same shall be considered by the court below on its own merit without being prejudiced by the orders of this court.

(Rajeev Ranjan Prasad, J.)

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