

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18083 of 2019**

Arising Out of PS. Case No.-358 Year-2018 Thana- HUSSAINGANJ District- Siwan

PUSHPENDRA KUMAR PANDEY @ PUSHPENDRA PANDEY @ PUA
S/o Bashishtha Narayan Pandey Resident of Village- Pachbeniya, P.S- Asaon,
Distt.- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

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

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 03-05-2019 This application, for grant of anticipatory bail, arises out of Hussainganj (M.H. Nagar) P.S. No. 358/2018, disclosing offences under Sections 272, 273, 420/34 of the Indian Penal Code and Section 30(a), 38 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 45.640 M.L. foreign liquor from the co-accused, who disclosed the name of petitioner. Apart from that petitioner is accused in two more cases of similar nature.

Submission of learned counsel for the petitioner is that the has falsely been implicated in this case and nothing has been recovered from his conscious possession rather the recovery is from the co-accused, who disclosed the name of



petitioner.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances as well as the fact that petitioner is an accused in one more case of similar nature, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, if possible on same day, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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