

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14975 of 2019

Arising Out of PS. Case No.-108 Year-2018 Thana- PUSA District- Samastipur

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Vinay Kumar @ Vinay Kumar Ray, S/o Ashok Rai, R/V- Mahmadda, P.S.-
Pusa, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that from the motorcycle of the
petitioner, 1.125 litres of Indian made foreign liquor were
recovered.

It is submitted by learned counsel for the petitioner that
recovery has not been made from the conscious physical
possession of the petitioner. It is further submitted that the



alleged motorcycle was not driven by the petitioner when the recovery was made. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in one other case, apart from the present case, in which he is on bail.

It is submitted by learned APP for the State that the recovery has been made from the motorcycle of the petitioner.

Considering the nature of recovery from the motorcycle of the petitioner, this Court is not inclined to grant him anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with **Pusa Case No.108 of 2018**, pending in the Court of learned **Spl. Judge Excise Act-cum-A.D.J. 3rd, Samastipur**.

However, the learned Court below may consider the prayer for regular bail of the petitioner, if he surrenders within a period of six weeks.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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