

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9537 of 2019

Arising Out of PS. Case No.-173 Year-2018 Thana- JANTA BAZAR District- Saran

Tarkeshwar Choudhary, aged about 48 years (M) Son of Sri Kishun Choudhary resident of village-Tajpur, P.S-Janta Bazar, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Janta Bazar P.S. Case No.173 of 2018 dated 9th December, 2018 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per allegations, when the police party raided the village, on the information furnished by 'Choukidar' illicit liquors were recovered from the house of the petitioner. It is submitted that the recovery was not made from conscious possession of the petitioner and nobody was present at the time of such seizure as also that no any paper of seizure was handed over to the named



accused persons.

Learned APP for the State is present and has opposed the prayer for anticipatory bail. It is submitted that the recovery is from the house of the petitioner and in such circumstance, the privilege of anticipatory bail need not be granted to the petitioner.

Considering the facts and circumstances of the case, since, it is alleged that recovery is from the house of the petitioner, this Court would not be willing to extend the benefits of anticipatory bail to the petitioner.

The application is, thus, dismissed.

In case the petitioner surrender and prays for regular bail in the learned Court below within a period of four weeks from today, his prayer for bail shall be considered on its own merit on the basis of the materials available on the record and rejection of the anticipatory bail by this Court shall not cause any prejudice in the mind of the learned Court below.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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