

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11970 of 2019

Arising Out of PS. Case No.-793 Year-2018 Thana- KADAMKUAN District- Patna

ASHOK KUMAR KHANDELIYA @ ASHOK KHANDELIYA aged about 62 years (Male), Son of Deokinandan Khandeliya, Resident of Village - Vishwanath Ganj, Sagarmal Chock, Khagaria, P.S.- Khagaria, Distt.- Khagaria, at Present house of Sanjay Kumar sinha Congress Maidan, P.S.- Kadam Kuan, Distt.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner. No one appears on behalf of the State.

The petitioner is seeking anticipatory bail in connection with Special Case No. 12364/2018 arising out of Kadamkuan P.S. Case No. 793/2018 registered under Sections 414/413/34 of the Indian Penal Code, 3(2), 5(d), 6, 9 of Immoral Traffic Act and 30(a) of Bihar Excise Prohibition Act, 2016 pending in the court of learned Special Judge, Excise, Patna.

Learned counsel for the petitioner submits that the petitioner is a tenant in the house when it was searched. It is submitted that the petitioner was not present when search was made and the arms were recovered along with its license.

No one appears on behalf of the State to oppose this



application.

This court has however gone through the allegations made in the F.I.R. and the seizure list. The seizure list clearly provides that the flat in which the petitioner is residing as a tenant was searched and a number of incriminating articles were found. It includes liquor, arms with license, Nepali currency etc.

Considering the facts and circumstances and the nature of the articles recovered from the rented portion allegedly occupied by the petitioner, I am not inclined to grant 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 within a period of six weeks from today, his prayer for regular bail shall be considered by the court below on it's own merit and on the basis of the materials available on the record.

(Rajeev Ranjan Prasad, J)

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