

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18587 of 2019**

Arising Out of PS. Case No.-760 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MANISH KUMAR @ MANISH KUNWAR, Son of Mahendra Kunwar @
Mahendra Kumar, Resident of Village - Itba, P.S.- Mufassil (Singhoul O.P.),
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 11-04-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 290 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Arun



Kumar Sinha, being the S.I. of Singhoul O.P. submitted to the SHO, Singhoul O.P. is to the effect that on 21.12.2018 at about 02.00 A.M., the informant received a secret information that the petitioner is selling illicit liquor in his house, consequently, a raid was laid and from the house of the petitioner, 08.25 litres of illicit Country Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not apprehended from the place of seizure and the recovery has been made from a joint family house, hence, it can not be treated from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the house of the petitioner.

Considering the fact that the recovery has been made from the house of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

However, in view of recovery from joint family house, it is a case for consideration of regular bail by learned Court below, if the petitioner surrenders within a period of six weeks, in connection with **Muffasil P.S. Case No.760 of 2018**,



pending in the Court of learned **Addl. Sessions Judge-II-cum-Special Judge, Begusarai.**

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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