

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13318 of 2019**

Arising Out of PS. Case No.-144 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Santosh Kumar Ram, Son of Shankar Ram, Resident of Village-Chakka
Khanpur, Police Station-Khanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Arun Kumar

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

2 06-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 30(a) and 38(i) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that from the bag,
being carried by the petitioner, 2.73 litres of Indian made
foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the
petitioner has forcibly been framed in the present case and a
statement has been made in paragraph no.3 of the petition that
the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from



the bag, being carried by the petitioner.

Since the recovery has been made from the possession of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Excise Case No. 144 of 2018, pending in the Court of learned Additional Sessions Judge-III-cum-Special Judge, Excise, Samastipur.

However, considering the quantity of recovery and the fact that the petitioner is not having any criminal antecedent, 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)

Amrendra/-

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