

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14619 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- GORIAKOTHI District- Siwan

Deo Narayan Prasad, S/o Late Sheopujan Prasad Resident of Village-
Kokilhata, P.S.- Goreyakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra
For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-03-2019 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 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, from the tea stall of the petitioner, 1.440 litres of Indian 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 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 the recovery has been made from the tea stall of the petitioner.



Considering the nature of recovery made from the tea stall 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 Goreya Kothi P.S. Case No. 19 of 2019, pending in the Court of learned ADJ-II-cum-Spl. Judge (Excise) Siwan.

However, considering the fact that recovery has been made from the tea stall of the petitioner, which is almost an open area, 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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