

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14607 of 2019

Arising Out of PS. Case No.-289 Year-2018 Thana- DELHA District- Gaya

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Pramod Kumar @ Pramod Chaudhari @ Sadhu, Son of Karu Chaudhari,
Resident of Village - Chhotaki Nawada, Behind kali Mandir, P.S.- Delha,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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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 offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, from the under-construction
house of the petitioner, 61 litres of Indian made foreign liquor
were recovered.

It is submitted by learned counsel for the petitioner that
recovery cannot be treated from the conscious physical
possession of the petitioner as the recovery has been made from
under-construction house and this is not the case of prosecution
that anyone was present at the place of seizure or anyone was



residing in the alleged house. 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 under-construction house of the petitioner.

Considering the nature of recovery made from the under-construction house 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 Delha P.S. Case No. 289 of 2018, pending in the Court of learned Special Judge (Excise), Gaya .

However, considering the fact that recovery has been made from the under-construction house 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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