

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14939 of 2019

Arising Out of PS. Case No.-1244 Year-2018 Thana- SONEPUR District- Saran

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Saurabh Kumar @ Surabh Kumar, Son of Ram Jeevan Chaudhary, R/o Mohalla- Gokul Nagar, Behind Shyam Appartment, P.S.- Rupaspur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2019 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 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that from a car, 9 litres of Indian made foreign liquor were recovered, when the driver of the alleged vehicle suggested the name of the petitioner as the owner of the apprehended vehicle.

It is submitted by learned counsel for the petitioner that admittedly, the petitioner was not present in the car when the seizure was made, hence recovery cannot 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 submits that recovery has been made from the car of the petitioner.

Considering the nature of recovery from the car of the petitioner, this Court is not inclined to grant him anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Sonapur P.S. Case No. 1244 of 2018, pending in the Court of learned 6th A.D.J., Saran.

However, considering the fact that at the time of seizure, the petitioner was not present in the alleged car, learned Court below is expected to consider the prayer for regular bail of the petitioner preferably dispose of on the same day, 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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