

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16134 of 2019

Arising Out of PS. Case No.-490 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Baua @ Niraj Sahani, Son of Fulena Sahani, Resident of Village-Chota
Bariyarpur, P.S.-Chhatauni, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 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.

The prosecution case is to the effect that from the car of the
petitioner, 54 litres of Indian made foreign liquor were
recovered.

It is submitted by learned counsel for the petitioner that the
admittedly when the seizure was made the petitioner was not
present in the car. 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 fact that recovery has been made from the car 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. 490 of 2018, pending in the Court of learned 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari.

However, considering the fact that at the time of seizure, the petitioner was not present in the car, 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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