

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19392 of 2019

Arising Out of PS. Case No.-16 Year-2014 Thana- ARIYARI District- Sheikhpura

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SANJAY CHAUDHARY @ SANJAY CHOUDHARI Son of Banbari
Choudhary Resident of Village- Chandi, P.S.- Ariyari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 47(a) of the Excise Act.

The prosecution case is that from the house of the petitioner, 25 litres country made liquor were recovered.

It is submitted by learned counsel for the petitioner that the case has been registered under the old Excise Act. It is further submitted that the recovery has been made from the joint family house and hence, the recovery cannot be treated from his conscious physical possession. Statement has been made in paragraph 3 of the petition that the petitioner is accused in one other case in which he is on bail.

Learned APP submits that the recovery has been made



from the house of the petitioner and he is named in the FIR.

Considering the fact that the case was registered in 2014 whereas the anticipatory bail petition has been filed by the petitioner in 2019, this Court is not inclined to grant anticipatory bail to the petitioner. However, it is a case for consideration of the prayer of the petitioner for regular bail by the learned Court below in case the petitioner surrenders within six weeks in connection with Ariyari P.S. Case No. 16 of 2014 pending in the Court of the learned 2nd Additional District and Sessions Judge, Sheikhpura.

With the aforesaid observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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