

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16721 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- BELAGANJ District- Gaya

Bhutan Das, Son of Late Bhajan Das Resident of Village- Beladih, Police Station- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 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 house of the petitioner, four litres of country made Mahua liquor were recovered.

It is submitted by learned counsel for the petitioner that seizure list does not bear the signature of the petitioner. Moreover, the recovery has been made from the joint family house 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 house of the petitioner.

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

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Belaganj P.S. Case No. 45 of 2019, pending in the Court of learned Special Judge, Excise, Gaya.

However, learned Court below may consider the prayer for regular bail of the petitioner, preferably on the same day, if he surrenders within a period of six weeks, keeping in view that recovery has been made from the joint family house of the petitioner and the petitioner is not having any criminal antecedent.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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