

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17718 of 2019

Arising Out of PS. Case No.-26 Year-2018 Thana- GALGALIYA District- Kishanganj

CHANDAN KUMAR, (M), aged about 22 years, Son of Prabhu Choudhari
Resident of Kuiya Anchal , P.S.- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2019 Heard both sides.

The petitioner apprehends his arrest in Special Case No.79 of 2018(Galgaliya P.S. Case No.26 of 2018) registered under Sections 272, 273 of the Indian Penal Code and under Section 30(a) of Bihar Excise and Prohibition Act.

The informant and other police officials were checking the vehicles. During the course of search of a bus bearing registration No.WB-73C-7829, one bag containing 24 liters 120 ml. liquor was recovered. The bag was numbered as 9. The conductor of the bus disclosed that the number was given according to the seat occupied by the passengers but on search, no passenger was found sitting on seat no.9. During the course of search, the identity card was also recovered from the bag. It transpired that the identity card belongs to the petitioner.



The learned counsel for the petitioner submits that somebody has kept the identity card of the petitioner in the bag. The petitioner was not travelling in the bus nor carrying any bag containing liquor but it appears that during the search from the same bag in which liquor was recovered, the identity card of the petitioner was also recovered and it was petitioner who was carrying the bag.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the regular bail of the petitioner without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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