

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17633 of 2019

Arising Out of PS. Case No.-528 Year-2018 Thana- BAHADURPUR District- Darbhanga

Sanjeev Kumar Roy @ Sanjeev Kumar Ray, son of Late Chunni Lal Roy @
Late Chunni Lal Ray, Resident of vill.-Roy Sahab Pokhar, Balbhadrapur, P.S.-
Laheriasarai, Distt.-Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bahadurpur P.S. Case No.528 of 2018 for the offence punishable
under Sections 30(A), 41(1) of Bihar Prohibition Excise Act, 2016.

Allegation against the petitioner is that upon raid
conducted by the police in the room belonging to the petitioner,
illegal liquor of the quantity of 5.325 lt. was seized. One Vikas
Kumar was arrested who took the name of the petitioner and
informed that the room in question belongs to the petitioner.

Learned counsel for the petitioner submits that his name
has surfaced on the basis of confessional statement of accused and
he further submits that room was rented out in favour of Vikas Raj.

Learned counsel for the State opposes the prayer for bail.

After having heard learned counsel for the parties and



upon perusal of materials on record, it transpires that the liquor was recovered from the room of the petitioner and the petitioner is taking the defence that he had rented out room in question and has not committed any offence inasmuch as the recovery is not from conscious possession of the petitioner, however, the fact that the petitioner is the owner of the room in question is not disputed.

Taking into consideration the Full Bench judgment regarding maintainability of the anticipatory bail application, I am not inclined to exercise jurisdiction of anticipatory bail and accordingly the same is rejected. However, if the petitioner surrenders before the Special Court within a period of 15 days, the regular bail application will be considered by the learned Court below on same day without being prejudiced from the fact that the present bail application has been dismissed.

(Anil Kumar Sinha, J)

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