

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20817 of 2019**

Arising Out of PS. Case No.-19 Year-2019 Thana- NOORSARAI District- Nalanda

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MANOHAR CHAUHAN, Son of Bado @ Bdan Chauhan, Resident of
Village-Charuipar, Beldari Par, P.S-Noorsarai, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha

For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard leaned counsel for the petitioner and learned
APP for 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 that from the cabin of the motor pump of the petitioner, 35 litres of illicit country made liquor were recovered.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical possession of the petitioner, in fact the recovery has been made



from an open area. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the cabin of the motor pump of the petitioner.

Considering the fact that the recovery has been made from the cabin of the motor pump 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.

However, the learned court below will consider the prayer for regular bail of the petitioner, if the petitioner surrenders with a period of six weeks, in connection with **Noor Sarai P.S. Case No. 19 of 2019**, pending in the Court of learned **ADJ-III-cum-Special Judge, Excise, Nalanda**.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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