

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76321 of 2018

Arising Out of PS. Case No.-98 Year-2018 Thana- KARAI PARSURAI District- Nalanda

Manish Kumar, S/o Late Vijay Gope, Resident of Village- Gawal Bigha, P.S.-
Karaiparsurai, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar prohibition and Excise Act, 2016.

The prosecution case as per the self-statement of Rajesh Malakar, S.I.-cum-S.H.O., Karaiparsurai P.S. is to the effect that on 09.10.2018 at 05.30 P.M., the informant along with *havaladar* and constables proceeded for patrolling and during vehicle checking at Doman Bigha More, two persons came on the motorcycle having container and a bag, but on seeing the police party, they started fleeing away from the scene after leaving the bag and container. Thereafter, the police party chased them but they succeeded in fleeing away. From the bag and container, 30



liters of country made liquor was recovered. It is further submitted that the petitioner was identified by the local people. The local people also disclosed that the motorcycle belongs to the petitioner.

It is submitted by learned counsel for the petitioner that the recovery was not made from the conscious physical possession of the petitioner. It is further submitted that the motorcycle does not belong to the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR and there is specific accusation against him.

Considering the fact that the recovery has been made from the petitioner, this Court is not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, keeping in view the quantity of recovery and the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, it is expected from the learned Court below to consider the prayer for regular



bail of the petitioner, if he surrenders within a period of four weeks in connection with **Karaiparsurai P.S. Case No.98 of 2018**, pending in the Court of learned **Addl. District & Sessions Judge-VIth-cum-Special Judge, Excise, Nalanda, Bihar** Sharif.

Accordingly, the present application is disposed off.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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