

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31755 of 2019**

Arising Out of PS. Case No.-594 Year-2018 Thana- SAUR BAZAR District- Saharsa

Sajan Kumar @ Sajan Yadav S/o Mahendra Yadav Resident of Village-
Sahuriya (West), P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 13-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Sour Bazar P.S. Case No. 594 of 2018 registered for the offence
punishable under Sections 30(a) of Bihar Prohibition & Excise
Act-2016.

25.920 lts. of foreign liquor is said to have been
recovered from the paddy field located besides the house of the
petitioner and brother of the petitioner, namely, Sagar Kumar
was apprehended while petitioner managed to escape.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern either



the seized liquor or with the place of recovery. The place of recovery is open place and easily accessible to all. Brother of the petitioner, namely, Sagar Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 16.01.2019 passed in Cr. Misc. No. 80666 of 2018.

On the other hand, learned APP opposing the bail prayer of the petitioner submitted that the petitioner is having criminal antecedent as two cases under Excise Act are pending against him.

Considering the facts and circumstances of the case and criminal antecedent, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, the petitioner is directed to surrender before the court below within six weeks and seeks regular bail and the learned court below shall dispose of the same in accordance with law on the very date of filing of it without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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