

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30464 of 2019**

Arising Out of PS. Case No.-323 Year-2018 Thana- PALIGANJ District- Patna

RAKESH KUMAR Son of Sikandar Choudhary, Resident of Village -  
Udaypur, P.S.- Paliganj, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No. 2

For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      08-05-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Special Case No. 9258 of 2018 arising from Paliganj P.S. Case No. 323 of 2018 registered for offence punishable under section 30 (a) of the Bihar Prohibition Excise Act, 2016.

The police intercepted a motor cycle and from there 40 litres of country made liquor was recovered and the person, who was arrested, has disclosed the name of this petitioner who escaped from there.

The learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner and the seizure list must have been prepared at the place of



recovery and the case number has been given at the top of the list so in such situation, it is completely a doubtful document having been created by the police.

Looking to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for bail is rejected. However, if the petitioner surrenders and prays for regular bail, the court below, will take decision in accordance with law, preferably on the same day.

**(Shivaji Pandey, J)**

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