

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31930 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- KORANSARAI District- Buxar

SANTOSH PASWAN Son of Late Khirodhar Paswan Resident of Village -
Koran Sarai, P.S.- Koran Sarai, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anand Kumar

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-07-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Koransarai P.S.Case No.20 of 2019 registered for offences punishable under Sections 30(A)/37(2) of Bihar Prohibition and Excise Act, 1918.

Allegation as per the FIR is that the police on information raided the place of the occurrence and seeing the police party the petitioner, who was carrying a bag thrown it in the field and fled away and on search 5 ltrs. of country-made liquor and 13 pieces of 180 ml. each of foreign liquor have been recovered.

Submission of the learned counsel for the petitioner is that nothing has been recovered from his house or from his conscious possession.

Heard learned A.P.P. , who has opposed the prayer for bail



of the petitioner on the ground that FIR itself shows that the petitioner by throwing the bag has fled away and from that there is recovery , as such this application is not maintainable. .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, if the petitioner surrenders before the learned court below and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court and if possible to be disposed of on the same day.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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