

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33751 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- KALYANPUR District- Samastipur

RAKESH KUMAR SAH @ RAKESH KUMAR S/o Premlal Sah R/o village-
Ajana, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-09-2019 The petitioner apprehends his arrest in connection with Kalyanpur P.S.Case No. 48 of 2019 registered under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that motorcycle of the petitioner was intercepted and upon seeing the police party, he fled away from the place of occurrence and a total quantity of 13.500 litres foreign liquor has been recovered from the motorcycle of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case merely on the basis of statement made by the village Chaukidar and petitioner was not one of the persons who fled away from the place of occurrence.

Having regard to the submissions made by the parties and taking into consideration the fact that illicit liquor has been



recovered from the vehicle belonging to the petitioner as such in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.

However, in case, petitioner surrenders before the court below within a period of 15 days and files application for regular bail, the same may be considered on the same day without being prejudiced to the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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