

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36075 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- NOORSARAI District- Nalanda

PRAFULLA KUMAR GUPTA Son of Sadhu Saran Sao @ Sadhu Sao
Resident of Village- Dosut, Police Station- Bena, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-09-2019

This application, for grant of anticipatory bail, arises out of Noorsarai P.S. Case No. 111/2019, disclosing offences under Sections 30(a)/ 41 of the Bihar Prohibition of Excise Act, 2016.

Prosecution case is that the police on information that in a small container liquor has been brought and is being concealed in Govt. Tube Well situated in Siwan south to Tiyari Village, raided the place and on seeing the police, accused persons started fleeing away, however, two of them were apprehended. Thereafter, the police recovered 1127 litres of liquor and apprehended persons disclosed the name of petitioner as the owner of container vehicle.

Submission of learned counsel for the petitioner is that he has no criminal antecedent and has falsely been



implicated in this case and he has handed over the vehicle to the driver and was not aware of the said activity of the driver.

Learned counsel for the State opposed the prayer for bail on the ground that in this case huge quantity of liquor has been recovered, which was brought through a vehicle, which belonged to petitioner, as such, the petitioner does not deserve the privilege of anticipatory bail.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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