

Arising Out of PS. Case No.-351 Year-2019 Thana- NAUBATPUR District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gajanan Mishra  
For the Opposite Party/s : Mr.Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

## ORAL ORDER

2      12-07-2019                  Heard leaned counsel for the petitioner and the  
                leaned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Naubatpur P.S. Case No. 351 of 2019, registered under Section 30(a) and 38(II) of the Bihar Prohibition and Excise Act, 2016, pending in the court of the Special Judge, Excise, Patna.

The accusation is that on receiving secret information about keeping of illicit liquor by the petitioner, the informant along with other Police personnel reached in village-Badipur near the house of petitioner, where one lady was found sitting in the ground floor of the house, who disclosed her name as Pinki Gupta and she is tenant in the house and she also disclosed that petitioner used to reside at first floor. Thereafter, first floor of the house was searched, but petitioner was not



found there. On search, 98 bottles, each containing 750 ML India made foreign liquor recovered from a trunk.

Learned counsel appearing on behalf of the petitioner submits that, in fact, Shobha Devi, who is cousin sister-in-law of the petitioner got managed to implicate the petitioner introducing herself as Pinki Gupta, wife of Akash Kumar. Further submission is that, in fact, Shobha Devi had also lodged Naubatpur P.S. Case No. 260 of 2019, under Sections 341, 323, 354, 504 and 290 of the Indian Penal Code and Section 37(b)(c) of the Bihar Prohibition and Excise Act, 2016 against the petitioner and Complaint Case No. 1593 (C) of 2015, under Section 498(A) of the Indian Penal Code.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

**(Rajendra Kumar Mishra, J)**

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