

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43419 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- KATORIYA District- Banka

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Bihari Kumar Singh, Son of Rajesh Singh Resident of Village and P.S.-
Katoria, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Katoria P.S. Case No.18 of 2019 for the offence punishable
under Section 30(c) of the Bihar Prohibition and Excise Act,
2016.

The allegation against the petitioner that the police
during the course of patrolling intercepted one red colour Majic
vehicle bearing Registration No.JH-155-9574 and upon seeing
the police party, the person/ driver who was driving the vehicle
fled away and the vehicle in question was seized by the police
and upon search, the police party recovered five bags containing
40 kg of Mahua having a total quantity of 200 kg. kept in the
bag.



Learned counsel for the petitioner submits that the petitioner is innocent having no criminal antecedent and has falsely been implicated due to the oblique motive by the police, however, except the fact that vehicle belongs to the petitioner, no other circumstances is there against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that Mahua which was seized from the vehicle which is owned by the petitioner, accordingly, in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such, the present anticipatory bail application is rejected.

If the petitioner surrenders before the Court below within fifteen days from today, the learned Court below shall consider his application for regular bail on the same day without being prejudiced by the rejection order of this Court.

(Anil Kumar Sinha, J)

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