

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45646 of 2019

Arising Out of PS. Case No.-455 Year-2018 Thana- KHAIRA District- Jamui

KAJAL KUMAR DUTTA Son of Kashi Nath Dutta Resident of Village -
Singdaha Dhanbad, P.S.and Distt - Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2019 This application, for grant of anticipatory bail, arises out of Khaira P.S. Case No. 455 of 2018, disclosing offences under Sections 272, 273, 420, 120(B) and 34 of the Indian Penal Code and Section 30(a), 138 (I) of the Bihar Prohibition of Excise Act, 2016.

Allegation is of recovery of huge quantity of liquor from the pick-up van, which is said to be of the petitioner's.

Submission of learned counsel for the petitioner is that he has no criminal antecedent and has falsely been implicated in this case and the vehicle from which, alleged recovery has been made, has been given by him on rent and the petitioner was not present there.

Learned counsel for the State opposed the prayer for bail and submitted that the huge quantity of liquor has been



recovered from the pick -up van of the petitioner, a such, a *prima facie* case is made out against the petitioner.

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, if possible on same day, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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