

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46549 of 2019

Arising Out of PS. Case No.-234 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Rajiv Kumar Singh, Son of Late Indradeo Singh Resident of Village -
Rahatpur, Ramnagar, P.S.- Suryagarha, Distt - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar
		Mr. Mayank Bilochan
For the Opposite Party/s :		Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Lakhisarai P.S. Case No.234 of 2019 for the offence punishable
under Section 30(a), 37(a) (b) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is that the police
recovered one Royal Stag Whisky bottle (containing 3/4th of
375 ml) from the dicky of the motorcycle along with one Royal
Stage 750 ml open bottle.

Learned counsel for the petitioner submits that
petitioner is innocent and not committed any offence in the
manner alleged as the police has not found that the petitioner



was consuming the liquor.

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 the illicit liquor has been recovered from the vehicle of 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.

However, if the petitioner surrenders before the Court below within a period of fifteen days from today and seeks regular bail, the learned Court below shall consider his application for regular bail on the same day taking into consideration the fact that the small quantity of liquor has been recovered from his motorcycle.

(Anil Kumar Sinha, J)

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