

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48774 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- ROHTAS District- Rohtas

Jokhan Paswan Son of Late Munar Paswan Resident of Village - Bishunpura,
P.S.- Rohtas, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rohtas P.S. Case No. 125 of 2019, registered under Sections 30(a) and 37(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police raided newly constructed house of the petitioner and seized total quantity of 5 liters of country made liquor from his house.

Learned counsel for the petitioner submits that the quantity of liquor is very low and his name has transpired on the basis of disclosure made by one co-accused person, namely, Munna Paswan.

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 house of the petitioner and as such in the view of Full Bench Judgment passed in **Cr. Appeal (S.J.) 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 illicit liquor has been recovered from his house.

(Anil Kumar Sinha, J)

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