

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52004 of 2019

Arising Out of PS. Case No.-228 Year-2018 Thana- KATORIYA District- Banka

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BHAGWAT YADAV S/o Hari Yadav R/o village- Waratari, P.O.- Inarawaran,
P.S.- Katoriya, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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

ORAL ORDER

2 21-08-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Katoria P.S. Case No.228 of 2018 registered under Sections 30(a)(G) and 32(2) of the Bihar Prohibition and Excise Act, 2016 and Mahua Flower Rules(3), pending in the court of the Additional Sessions Judge-II, Banka.

The accusation is that on receiving secret information about carrying the illicit liquor, loading on Bolero vehicle, by Indradeo Chaudhary to village-Bhorsar, the informant along with other police personnel reached at the house of Indradeo Chaudhary, then a white colour Bolero vehicle bearing Registration No.JH04E-7204 was seen parked at his door. On search of the Bolero vehicle, 24 bottles, each containing 750 ml. Indian Made Foreign Liquor, and



120 bottles, each containing 375 ml. Indian Made Foreign Liquor, were recovered. Besides the above, 9 plastic bags, each containing 50 kilograms dry Mahua, were also recovered from the house of Indradeo Chaudhary.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the vehicle of the petitioner from which the alleged recovery is said to be made was found parked at the door of Indradeo Chaudhary. In fact, the vehicle of the petitioner was in the custody of the driver Indradeo Chaudhary.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. Accordingly, the prayer of the petitioner for grant of privilege of pre-arrest bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall 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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