

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53454 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- NIRMALI District- Supaul

Shailendra Safi @ Shailendra Kumar (Male) aged about 25 years, son of
Badri Rajak, Resident of village- Itahari, P.S.- Marauna, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection
with Nirmali P.S. Case No. 115 of 2019 registered under section
30(a) of the Bihar Excise Prohibition Act, 2016.

The allegation against the petitioner is that police
intercepted the petitioner, who fled away after leaving the
motorcycle and upon such the police recovered total quantity of
750 ML of illicit liquor from the said motorcycle.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in this
case only on the basis of the fact that the motorcycle belongs to
the brother of the petitioner. Learned counsel further submits
that it is highly improbable that petitioner will flee away after



crossing the Kosi river which was turbulent at that point of time.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner was found driving the motorcycle and disclosed his name to the police and succeeded in fleeing away after leaving the motorcycle, and the fact that the illicit liquor has been recovered, in view of Full Bench decision, passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the Court below within a period of 15 days from today and seeks regular bail, learned Court below may consider his application for regular bail on the same day taking into consideration the fact that small quantity of liquor has been recovered from the motorcycle without being prejudiced by the fact that the application for anticipatory bail has been dismissed by this Court.

(Anil Kumar Sinha, J)

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