

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54969 of 2019

Arising Out of PS. Case No.-483 Year-2019 Thana- ARARIA District- Araria

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SANTOSH KUMAR @ SANTOSH KR. SINGH Son of Chandra Mohan
Singh R/O Village- Mata Asthan Bhagat Tola W. No. 28, Araria, P.S. and
District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-08-2019 This application, for grant of anticipatory bail, arises

out of Araria P.S. Case No. 483/2019, disclosing offences under

Sections 30(a) and 36 of the Bihar Prohibition of Excise Act,

2016.

Prosecution case is that the police on information that

that petitioner is engaged in liquor trade, raided his house but

he was not found there and from his house, altogether 42 liters

of liquor has been recovered and his brother was arrested there,

who disclosed that he and his brother (petitioner) are involved in

liquor trade.

Submission of learned counsel for the petitioner is

that he has no criminal antecedent and has falsely been

implicated in this case on the disclosure made by this brother



and except that there is nothing against the petitioner.

Learned counsel for the State opposed the prayer for bail and submitted that there is recovery from the house of the petitioner and his name has been disclosed by his own brother and thus 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, disposed of.

(Vinod Kumar Sinha, J)

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