

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55316 of 2019

Arising Out of PS. Case No.-356 Year-2018 Thana- RAJGIR District- Nalanda

MITHUN KUMAR Son of Awdhesh Ram Resident of Village - Ramhari
Pind, Post - Rajgir, P.S.- Rajgir, District - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Nand Kumar

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

ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Rajgir P.S. Case No.356 of 2018 registered under Sections 30(a)(d)
of the Bihar Prohibition and Excise Amendment Act, 2016, pending
in the court of the 3rd Additional Sessions Judge Biharsariff-cum-
Special Judge, Excise Act, Biharsariff, Nalanda.

The accusation is that in course of checking of the
vehicles by the informant and other police personnel, the signal was
given to stop the one Maruti Car and one motorcycle but the driver of
the Maruti Car and the person, who was driving the motorcycle,
succeeded to flee away leaving the Maruti Car and motorcycle. On
search of the Maruti Car, 900 pouches, each containing 200 ml.
country made liquor, and 228 bottles, each containing 500 ml. Indian



Made Foreign Liquor, were recovered. A mobile phone was also recovered from the Marui car, which is belonging to the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is neither the driver nor the owner of the seized Maruti Car and the motorcycle. At the time of search of the same, the petitioner was asked to become the witness of the seizure list but he refused, due to that reason, the mobile of the petitioner was snatched by the informant and other police personnel and his name has been shown in the F.I.R., showing the recovery of mobile phone in his name from the Maruti car.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory 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)

P.S./-

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