

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69449 of 2019**

Arising Out of PS. Case No.-260 Year-2019 Thana- JAGDISHPUR District- Bhojpur

AJAY KUMAR Son of Dharmendra Kumar Resident of Village - Ganpat,  
P.O.- Baulipur, P.S.- Chakwa, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shiv Prasad Gupta  
For the Opposite Party/s : Mr.Syed Ehteshamuddin

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      05-11-2019                      This application, for grant of anticipatory bail, arises out of Jagdishpur P.S. Case No. 260/2019, disclosing offences under Sections 30 (a) of the Bihar Prohibition of Excise Act, 2016.

Allegation is of recovery of 75 and odd liters of liquor from the pickup van of the petitioner.

Submission of learned counsel for the petitioner is that the vehicle from which the recovery has been made is a commercial vehicle and remained in possession of the driver and petitioner has been made accused in this case only because he happens to be owner of the vehicle and F.I.R., itself shows that petitioner was not present at the place of occurrence.

Learned counsel for the State opposed the prayer for anticipatory bail.



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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