

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79151 of 2018**

Arising Out of PS. Case No.-176 Year-2018 Thana- RAGHUNATHPUR District- Siwan

Rajesh Kumar Pandey @ Rajesh Pandey Son of Late Vijay Pandey Resident
of Village Dhorhan Sultanpur, P.S. Raghunathpur District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

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

3 05-03-2019 This application, for grant of anticipatory bail, arises out of Raghunathpur P.S. Case No. 176 of 2018, disclosing offences under Sections 414, 272, 273, 308 of the Indian Penal Code and Section 30(a), 38(a) and 41(i) of the Bihar Prohibition of Excise Act, 2016.

Allegation as per F.I.R. is that police on information that petitioner is selling the liquor behind his flour mill, raided the place and seized 392 and odd litres of liquor and petitioner succeeded in fleeing away.

Submission of learned counsel for the petitioner is that the F.I.R. itself shows that nothing has been recovered either from the house or from the flour mill of the petitioner rather the recovery has been made from behind the flour mill.

Heard learned A.P.P. also.



Having heard both sides, considering the facts and circumstances and the quantity of recovery, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should 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, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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