

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67649 of 2019

Arising Out of PS. Case No.-244 Year-2019 Thana- WARISNAGAR District- Samastipur

Shivnath @ Shibu @ Shivoo @ Shivnath Kumar, Son of Ram Vinay Rai @
Ram Vinay Ray, Resident of Village – Sari, ward No.07, P.S.- Warisnagar,
Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-11-2019 Heard learned counsel for the petitioner and
learned Addl. Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Warisnagar (Mathurapur O.P.) P.S. Case No.244 of 2019, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case is that while the informant along with other police personnel were on night patrolling, he received secret information that on the way of Sari to Mannipur village, at about at a distance of 200 meters in bamboo Clamp, consignment of illicit liquor has been made and delivery of the same was to be made. On the aforesaid information, the police party reached the place of



occurrence, where four persons were seen fleeing after seeing the police party and out of them two persons were apprehended, who disclosed their name as Akhilesh Kumar and Aman Kumar and further they disclosed the name of other two accused persons as Angad Kumar @ Prabhat and petitioner Shibu @ Shivnath, who succeeded in fleeing away. The apprehended accused persons further disclosed that they are indulged in trade and business of illicit liquor. On search, from a bush, about 94.05 liters of country made liquor was seized.

It is submitted by learned counsel for the petitioners that there is no recovery of liquor from conscious possession of the petitioner and he has falsely been implicated in the present case. He submits that during course of investigation, none have supported the prosecution case, except the excise officials.

Learned Addl.Public Prosecutor has opposed the prayer for anticipatory bail. He submits that prior to the present case, the petitioner has also been made accused in similar nature of offence, which fact has been mentioned in paragraph-3 of the petition.



Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail stands dismissed.

However, if the petitioner surrenders before the court below and prays for regular bail, the learned court below, without being prejudiced with this order, may examine the same and pass appropriate order in accordance with law.

(Anjani Kumar Sharan, J.)

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