

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4781 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- BAHERI District- Darbhanga

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Basant Mandal @ Basant Mondal S/o Late Swaroop Mandal Resident of
Village- Ward No. 7, Dahiyar, Ranna, P.S.- Hathauri, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s :		Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 272, 273, and 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

It is alleged that from the Bolero vehicle of the petitioner, 306.360 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was not present in the vehicle in question at the time of recovery and he has simply been roped in the present



case since he is the owner of the vehicle in question. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the vehicle of the petitioner.

Considering the nature of recovery, this anticipatory bail application of the petitioner is not maintainable. However, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Baheri P.S. Case No. 273 of 2019, pending in the Court of learned Additional District & Sessions Judge-II -cum- Special Judge (Excise Act), Darbhanga.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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