

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25456 of 2020

Arising Out of PS. Case No.-114 Year-2020 Thana- MAHUA District- Vaishali

Sunil Kumar, Son of Madan Ray, Residence of Village - Mirza Nagar, P.S.-
Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratima Kumari, Advocate,
For the Opposite Party/s : Mr. Mithilesh Kumar Khare, Advocate

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

ORAL ORDER

2 20-10-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Mahua P.S. Case No. 114 of 2020, registered under Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Excise Act, pending in the court of learned Special Judge Excise Court, Vaishali at Hajipur.



The accusation is that on receiving secret information about keeping the illicit liquor by Sunil Kumar (petitioner) in village Mirza Nagar, the informant along with other police personnel reached there. On seeing the police party, one person started to flee away, while on chase, he succeeded to flee away. At that time, the local Choukidar identified Sunil Kumar (petitioner), who succeeded to flee away. On search of the house of the petitioner, several bottles of Indian made foreign liquor in the volumn of 88.41 liters recovered.

Learned counsel for the petitioner submits that it would appear from the FIR that petitioner was not apprehended at the spot, from where, the several bottles of Indian made foreign liquor is said to be recovered. Further submission is that the said house is joint family house of the petitioner and petitioner has no criminal antecedent.

Having considered the facts and circumstances of the case and the several bottles of Indian made foreign liquor is said to be recovered from the house of the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered



by the trial court in accordance with law without being
prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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