

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81918 of 2019

Arising Out of PS. Case No.-255 Year-2019 Thana- NAWANAGAR District- Buxar

Kisun Yadav S/O Hirdya Nand Singh @ Hirdya Yadav R/O Vill.- Giridhar
Braon, P.S. - Nawanagar (Sonvarsa), Dist.- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2020 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 Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

It is alleged that 20 litres of country made liquor were recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner rather the recovery has been made from joint family house of the petitioner

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

Considering the fact that the recovery has been made



from the house of the petitioner and petitioner is accused in one another case of similar nature, this Court is not inclined to exercise the discretion for grant of anticipatory bail but keeping in view of the nature of recovery from the joint family house, it is a case for consideration of 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 Nawanagar (Sonvarsa) P.S. Case No. 255 of 2019, pending in the Court of learned Additional Sessions Judge II -cum- Special Judge, Excise Act, Buxar.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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