

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83464 of 2019

Arising Out of PS. Case No.-518 Year-2019 Thana- MINAPUR District- Muzaffarpur

SANTOSH KUMAR Son of Vishwanath Bhagat Resident of Village - Ali Neora, P.S.- Minapur, Distt - Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Sanjay Parasmani, Advocate.
For the State : Mr. Satyadeo Singh Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 03-02-2020 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Minapur P.S. Case No.518 of 2019 registered under Sections 30(a) and 41 of the Bihar Prohibition of Excise Act, 2016, pending in the court of the Special Judge, Excise Act, Muzaffarpur.

The accusation is that on receiving the secret information about the involvement of Sanjay Kumar alias Sanjay Sanwaria, Santosh Kumar (petitioner) and Manoj Prasad in selling the liquor in village-Ali Neora, the informant along with other Excise officials reached there and saw four, four wheeler vehicles and one motorcycle. On search, 1293.840 liters, Indian Made Foreign Liquor, kept in different bottles, either loaded on the seized vehicles or from the place of occurrence were recovered



Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that nothing was recovered from the house of the petitioner rather the alleged recovery is said to be made from the seized vehicles and the open place. The petitioner is not the owner of the seized vehicles. Since the petitioner is accused in two other cases of similar nature, as detailed in paragraph-3 to this application, due to that reason, the petitioner has falsely been implicated in this case.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall 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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