

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19156 of 2021**

Arising Out of PS. Case No.-589 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Rajesh Kumar Sharma @ Rajesh Sharma S/o Shri Sitaram Thakur R/o
village- Panapur Langa, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 24-01-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act.

There is recovery of 219.750 litres of Indian



made foreign liquor from a Maruti car and thereafter on identification of the arrested person 1113.42 litres of Indian made foreign liquor from the house of co-accused Naresh Sharma.

It is submitted by learned counsel for the petitioner that petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in this case only on the confession of the apprehended accused person. The petitioner has no concern either with the seized contraband or maruti car or the apprehended accused person. A statement has been made in para 3 of the petition that petitioner is accused in two other cases apart from the present case.

Considering the fact that petitioner is accused in two other cases of similar nature apart from the present one, this Court is not inclined to grant anticipatory bail to the petitioner.

However, if the petitioner surrenders within a



period of four weeks from today and pray for regular bail, the same may be considered by the learned Court below, keeping in view the facts stated above and without being prejudiced by the order of this Court.

With the aforesaid observation/direction, the petition stands disposed off.

(Sunil Kumar Panwar, J)

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