

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38151 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- KUTUMBA District- Aurangabad

LAVKUSH KUMAR S/o Naresh Mahato R/o village- Kanchanpur, P.S.-
Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, App

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kutumba P.S. Case No. 01 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 6.720 litres of liquor from a bag kept on a motorcycle as detailed in the F.I.R., 45 litres liquor from another motorcycle and 4.5 litres liquor from a bag thrown by a fleeing co-accused person.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession and he came to be implicated as he is owner of one of the motorcycle but he was not arrested from the spot which amply demonstrates that the petitioner was not present at the place of occurrence when the search was made.

Learned counsel for the petitioner at this stage seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

In the event, if the petitioner surrenders on or before 07.09.2022, the learned trial court shall dispose of the case on the same keeping in mind the fact that the petitioner was not arrested from the spot and no recovery was made from his conscious possession.

Accordingly, the present anticipatory bail application is dismissed as withdrawn.

(Satyavrat Verma, J)

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