

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38567 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- DESARI District- Vaishali

RAHUL KUMAR SINGH @ RAHUL KUMAR S/o Lalan Kumar Singh R/o
village- Afjalpur, Kumharkol, P.O.- Rampur, P.S.- Dasari (Sahdei O.P.),
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranjal Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases but both the cases have
been compromised, it is next submitted that allegation is of
recovery of 2 liters of liquor from the Bathan of Ramesh
Paswan, further 6.375 liters of liquor from a Splendor
motorcycle.

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

was recovered from his conscious possession, it is next submitted that even alleged recovery is from the Bathan of Ramesh Paswan and from a motorcycle, the learned counsel further submits that motorcycle does not belong to the petitioner.

On the submissions made by the learned counsel for the petitioner, the Court was inclined to grant anticipatory bail to the petitioner but the learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that there is no pleading in the anticipatory bail application that the motorcycle does not belong to the petitioner.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

Accordingly, the anticipatory bail application is dismissed as withdrawn in connection with Desari (Sahdei O.P.) P.S. Case No. 40 of 2022 pending before the Court of learned Additional District and Sessions Judge cum Special Judge – Excise, Vaishali.

In the event, if the petitioner surrenders before the learned Trial Court on or before 24.11.2022, the learned Trial Court shall dispose of the case on the same day keeping in mind

that the alleged recovery is of a meager amount of 6.375 liters of liquor and the antecedent which the petitioner carries have already been compromised.

(Satyavrat Verma, J)

HarshPandey/-

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