

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78973 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- BABUBARHI District- Madhubani

Shiv Kumar Saday Son of Fanilal Saday R/o - Barail, P.S - Babubarhi,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-12-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises
out of Bahera Police Station Case No. 256 of 2018, disclosing
offences under Sections 376 and 511 of the Indian Penal Code.

3. As per the FIR, on 12.06.2024 informant got
information that in Ward No.8, in-front of H.P. Petrol Pump,
people of Musharitol are manufacturing and selling country
made liquor. When police party reached there, one person
started fleeing away from his house, seeing the police party.
Police tried his best to catch him but he succeeded in fleeing
away. The Mahal Chaukidar disclosed the name of the person
who fled away as Shiv Kumar Saday. On search, 12 liters of
country made liquor was recovered.



4. Learned Counsel for the petitioner submits that neither the petitioner was arrested from the spot nor any incriminating substance/illicit liquor has been recovered from the conscious possession of the petitioner. He next submits that recovery has been shown from the joint family property of the petitioner. Petitioner has nothing to do with the trade and transport of the illicit liquor. Petitioner has falsely been implicated due to dirty village politics.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that prima facie case is made out from the seizure list, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on the same date without being prejudiced to the fact that anticipatory bail of the petitioner has been rejected by this Court.

(Anil Kumar Sinha, J)

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