

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14615 of 2019**

Arising Out of PS. Case No.-97 Year-2018 Thana- KALYANPUR District- Samastipur

Mahesh Kumar Ray, S/o Prasad Narayan Ray Resident of Village and Post-  
Teera Jatmalpur, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Singh  
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      11-03-2019                      Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is to the effect that on 27.06.2018, while the informant, being the police officer, was on patrolling duty, he received an information that huge quantity of liquor has been arrived at the residence of co-accused Anand Kumar @ Dablu, whereupon raid was laid when in front of the house of Anand Kumar @ Dablu, two motorcycles were found parked and from of the motorcycle, i.e., Passion Pro motorcycle, 1.80 litres and from the another motorcycle, i.e., Splendor motorcycle, 1.26 litres of Indian made foreign liquor were



recovered. Apart from that, from the house of co-accused Anand Kumar @ Dablu, 67.12 litres of Indian made foreign made liquor were recovered. It is alleged that during investigation, it was found that one of the seized motorcycle, being Passion Pro motorcycle has been registered in the name of the petitioner.

It is submitted by learned counsel for the petitioner that recovery has not been made from the conscious physical possession of the petitioner. The petitioner was not named in the F.I.R., his name subsequently sprang up since it was found that one of the seized motorcycle was found registered in the name of the petitioner. It is further submitted that co-accused Anand Kumar @ Dablu, from whose house, 67.12 litres of illicit liquor were recovered, has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 20.08.2018, passed in Cr. Misc. No. 51179 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that one of the seized motorcycle was found registered in the name of the petitioner.

Considering the nature of recovery made from the motorcycle of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.



Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Kalyanpur P.S. Case No. 97 of 2018, pending in the Court of learned ADJ-III-cum-Spl. Judge, Samastipur.

However, considering the fact that recovery has been made from the motorcycle of the petitioner, which was found parked at an open area, learned Court below may consider the prayer for regular bail of the petitioner, preferably on the same day, if he surrenders within a period of six weeks.

Accordingly, the present application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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