

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16394 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- LAKHNAUR District- Madhubani

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ANNU KUMAR PAUDDAR @ ANNU KUMAR Son of Harish Chandra
Pauddar Resident of Village - Behat North, P.S.- Lakhnour, (R.S.O.P), Distt -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 11-07-2019 The petitioner apprehends his arrest in connection with

Lakhnour (R.S.O.P.) P.S.Case No. 10 of 2019 registered under

Sections 272 and 273 of the Indian Penal Code and 30(a) of the

Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that

police, upon secret information that the petitioner was going to

his house along with bag of wine kept in his APACHE
motorcycle, intercepted the petitioner and upon seeing the
police party, petitioner fled away from the place of occurrence
leaving the bag of wine and motorcycle. It has further been
alleged that Chaukidar has disclosed the name of the petitioner
and motorcycle was seized.

Learned counsel for the petitioner submits that petitioner



is innocent and has not committed any offence and his name has been dragged by the police with an oblique motive. However, upon query made by this Court that who is owner of the motorcycle, learned counsel for the petitioner submits that seized motorcycle belongs to the father of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that seized motorcycle from where illicit liquor has been recovered belongs to the petitioner and his father as such a *prima facie* case under the Excise Act is made out against the petitioner. Therefore, in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.

However, in case, petitioner surrenders before the court below within a period of 15 days and files application for regular bail, the same shall be considered on the same day without being prejudiced to the fact that present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

sujit/-

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