

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39558 of 2019

Arising Out of PS. Case No.-151 Year-2018 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

Ram Ashish Sah, son of Late Sita Ram Sah, Resident of Village- Chitu Tola,
P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Indu Kumari Srivastava

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Bishambharpur P.S. Case No.151 of 2018 for the offence
punishable under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The allegation against the petitioner as mentioned in the
FIR lodged by ASI that the police party started checking on the
road and during course thereof, a motorcycle was coming from
Uttar Pradesh Boarder and upon seeing the police party the person
who was driving the motorcycle succeeding in fleeing away.
Police seized the motorcycle as well as total 13.5 litres of illicit
liquor.

Learned counsel for the petitioner submits that though he
is owner of the motorcycle but the motorcycle was stolen one year



back for which Sanha was given to the police station at Thave. He further submits that no recovery has been made from the possession of the petitioner. As such the petitioner deserves privilege of anticipatory bail.

After having heard learned counsel for the petitioner as well as learned counsel appearing for State and upon perusal of the materials available on record, it appears that the illegal liquor was recovered from the motorcycle owned by the petitioner and defence taken by the petitioner that Sanha was given to the police on 15.12.2017, i.e., one year prior to the date of seizure of the motorcycle is not tenable inasmuch as the petitioner did not lodge any First Information Report nor the Sanha Entry no. is mentioned in Annexure-2.

Accordingly, in view of Full Bench judgment, I am not inclined to exercise my jurisdiction under Section 438 of Cr.P.C. As such the present anticipatory bail application is rejected.

If the petitioner surrenders before the Court below within fifteen days from today, the learned Court below shall consider his application for regular bail on the same day without being prejudiced by the rejection order of this Court.

sanjeev/-

U		T	
---	--	---	--

(Anil Kumar Sinha, J)

