

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41884 of 2019

Arising Out of PS. Case No.-705 Year-2018 Thana- BARACHATTI District- Gaya

DILIP KUMAR Son of Rajendra Sao Resident of Village - Sohan Bigha, P.S.-
Magadh Medical, Distt - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Barachatti (Mohanpur) P.S. Case No. 705 of 2018 registered for the offences punishable under Section 120 B of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that altogether six motorcycles with illicit liquors were seized by the Police. It is alleged that one of the motorcycles with ten liters of illicit liquor belongs to the petitioner and for that reason his name has transpired in the present case.

It is submitted that in fact the petitioner had sold his vehicle to one Sanotsh Yadav but the registered name of the owner of the vehicle had not been changed. He has relied upon a



certificate of Mukhiya of the Gram Panchayat in this regard.

Learned APP representing the State submits that once there is some material to connect the petitioner with the alleged offence, in view of the Hon'ble Full Bench judgment of this Court, it would not be proper to entertain the anticipatory bail application.

In the given facts and circumstances of the case, finding that one of the vehicles seized with illicit liquor is said to be of the petitioner, this Court is not willing to entertain the anticipatory bail application in view of the judgment of the Hon'ble Full Bench. The application is thus dismissed.

In case the petitioner surrenders and prays for regular bail before the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit and the same shall not be rejected because his prayer for anticipatory bail has been refused by this Court.

(Rajeev Ranjan Prasad, J)

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