

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46566 of 2019

Arising Out of PS. Case No.-153 Year-2017 Thana- MAINATAND District- West Champaran

AKHILESH PRASAD @ AKHILESHWAR PRASAD Son of Kamat Bhagat
Resident of Village - Pakari Siswa, Harditerha, P.O.- D.K. Shikarpur, P.S.-
Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mainatand Police Station Case No. 153 of 2017, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that when two persons, coming on a motorcycle, were intercepted by the police, they fled away, leaving behind the motorcycle. When the police searched the motorcycle, 22.800 litres of illicit liquor was recovered from the said motorcycle kept in a bag.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that he has been implicated on account of village politics and the motorcycle was intercepted by the informant and he was forced to leave he motorcycle, whereafter this false case has been lodged. He further submits that the illicit liquor, recovered from the motorcycle, may be kept by the villagers and/or the informant himself, only to implicate the petitioner in this case.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the motorcycle, belong to the petitioner and in view of the Full Bench decision, in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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