

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53357 of 2019

Arising Out of PS. Case No.-737 Year-2017 Thana- BARACHATTI District- Gaya

Shivpujan Mistri, aged about 34 years (Male), S/o Suresh Mistri, Resident of
Near the Ratnakar Kirana Store, Bhavani, P.S.- Kota, District- Raipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection
with Barachatti (Mohanpur) P.S. Case No. 737 of 2017
registered under section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is that police
intercepted one motorcycle bearing registration no. BR025-2126
and the person who was driving the motorcycle fled away after
leaving the motorcycle at the spot. The police upon search
recovered 2 liters of illicit country made liquor from the said
motorcycle.

Learned counsel appearing for the petitioner submits
that the petitioner is not named in the FIR and his motorcycle



has allegedly been recovered from the place of occurrence which according to petitioner was sold by the petitioner in favour of one Tuleshwar Yadav on 05.10.2017. Learned counsel, in support of his arguments relies on Annexure-2 which shows that the motorcycle was sold in favour of some other persons.

After having heard learned counsel for the parties and taking into consideration the fact that there is no dispute that the said motorcycle is registered in the name of petitioner and Annexure-2 which has been relied upon by the petitioner, is not a sale letter and, accordingly, in view of Full Bench Judgment decision, passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the Court below within a period of 15 days and seeks regular bail, learned Court below may consider his application for regular bail on the same day without being prejudice to the fact, the application for the anticipatory bail is dismissed by this Court.

(Anil Kumar Sinha, J)

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