

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55025 of 2019

Arising Out of PS. Case No.-244 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

MUKESH KUMAR Son of Mahanth Paswan Resident of Village - Purnahiya
Ward No. 12, P.S.- Shiyara, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mrs.Sangeeta Sharma

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-09-2019 The petitioner apprehends his arrest in connection with

Complaint Case No. C-2/244 of 2019 registered under Section

30(a) of the Bihar Prohibition and Excise Act (hereinafter

referred to as the ‘Act’).

Allegation against the petitioner, as per FIR, is that the

Assistant Commandant, D.Coy, 20. B.N.SSB Sitamarhi,

submitted seizure memo to the Excise Officer, Sitamarhi,

alleging therein that on 11.05.2019 at about 18:30 hours, the

SSB Jawan were on patrolling duty and caught one motorcycle

bearing Rg. No. BRV-6848 and recovered 45 litres of Nepali

Saufi liquor from the said motorcycle.

Learned counsel for the petitioner submits that petitioner

has falsely been implicated in this case merely on the basis of



the fact that he is owner of the motorcycle and he has got no criminal antecedent and no illicit liquor has been recovered from his conscious possession.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner is owner of the motorcycle from which SSB Jawan recovered illicit liquor, 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.

(Anil Kumar Sinha, J)

sujit/-

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

