

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66625 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- POTHIIYA District- Kishanganj

MITHU SARKAR, Aged about 24 years, Male, Son of Late Mahadev Sarkar,
Resident of Village- Mahavir Chowkn, Kasba, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-10-2019 Heard both sides.

The petitioner apprehends his arrest in Pothiya P.S.
Case No.126 of 2019, registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

The police got information that on a silver colour
Honda City Car liquor is being transported. On such the police
went in search of the vehicle on road but seeing the police, the
driver of the Honda City Car bearing Registration No.WB02Z
8910 turned the vehicle and started fleeing away. On chase one
Mithun Kumar Mandal was apprehended but the driver of the
vehicle managed to flee away. Mithun Kumar Mandal disclosed
that Mithu Sarkar, the petitioner, was driving the vehicle. On
search of the vehicle 166 litres of Indian made foreign liquor
was recovered.



Learned counsel for the petitioner submits that the name of the petitioner surfaced in the case on the basis of the confession made by the person who was apprehended on the spot. The petitioner has got no criminal antecedent and on account of village politics, the petitioner has been made accused in the case. The petitioner is not the owner and driver of the vehicle but the contents of the FIR itself reveal that after seeing the police, the driver of the vehicle turned the vehicle and started fleeing away. Two persons came out of the vehicle but one person, namely, Mithun Kumar Mandal was apprehended on chase and he on the spot disclosed the name of the petitioner that Mithu Sarkar was driving the vehicle and from the dicky of the vehicle, huge quantity of liquor was recovered.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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