

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1029 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- KHODAWANDPUR District- Begusarai

AMIT KUMAR Son of Ram Chandar Das Resident of Village - Chakwa
(Phaphot), P.S.- Khodawandpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Khodawandpur (Churahi) P.S. case No. 145 of 2019 registered under Section 272, 273, 120B of the IPC and u/s 30(a) of the Bihar Prohibition & Excise Act.

The informant, ASI of Khodawandpur P.S., got information that huge quantity of liquor was brought in an orchard situated by the side of road on a TATA 407 vehicle and the people are unloading the liquor. On such information, raid was conducted and 10-12 persons were found present there but after seeing the police they started fleeing away. One TATA 407 vehicle bearing registration No. UP14ET-4863 and one Piaggio



vehicle without registration No. were found parked there. One Passion Pro motor cycle bearing registration No. BR09K-7812 was also found parked near the TATA 407 in which huge quantity of liquor was loaded.

The learned counsel for the petitioner submits that petitioner is not named in the FIR. The name of petitioner figured in the case during the course of investigation on the basis of material that petitioner is owner of Passion Pro motor cycle bearing registration No. BR09K-7812, which was seized from the place of occurrence. It is further submitted that petitioner is worker in a hotel and owner of the hotel took the motor cycle of the petitioner and when raid was conducted the owner of the hotel fled away from the place of occurrence. The petitioner has got no criminal antecedent and one of the co-accused, Ranjeet Kumar, has already been granted anticipatory bail. Hence, the petitioner deserves anticipatory bail.

The learned APP, however, opposed the prayer for anticipatory bail.

On perusal of the FIR and the case diary, it appears that police on secret information that 10-12 persons have brought huge consignment of liquor and the vehicles were parked in an orchard situated by the side of road went there but



the people, who had assembled there, managed to flee away. One Passion Pro motor cycle bearing registration No. BR09K-7812 was also seized from the place of occurrence where both the vehicle were parked and from both vehicles huge quantity of liquor was recovered. The recovery of motor cycle from the place of occurrence itself shows that petitioner had also gone there but after seeing the police he managed to flee away after leaving the motor cycle on the spot.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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