

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2019 of 2020

Arising Out of PS. Case No.-398 Year-2019 Thana- ALOULI District- Khagaria

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ROHIT KUMAR Son of Bishnudev Yadav @ Bishundev Yadav Resident of
Village- Parari, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Amarendra Kumar, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Alauli P.S.
Case No.398 of 2019 registered under Section 30(a) of Bihar
Prohibition and Excise Act.

The police intercepted a motorcycle but when the
police asked the motorcyclists to stop, the person who was
driving the motorcycle fled away and the pillion rider, who was
having a plastic bag in his hand, was apprehended. The
apprehended accused disclosed that Rohit Kumar, who is the
owner of the vehicle was driving the vehicle and he managed to
flee away. From the possession of the apprehended
accused(Vikash Kumar), 11.25 litres Indian made foreign liquor
was recovered.

The learned counsel for the petitioner submits that



Vikash Kumar, the person who was apprehended on the spot took the motorcycle of the petitioner for purchasing medicine of his ailing mother. Petitioner has no knowledge that Vikash Kumar was carrying any liquor on the pretext of purchasing medicine but it appears that informant saw two persons coming on a motorcycle. Vikash Kumar was pillion rider and the petitioner was driving the motorcycle. When the police asked them to stop, the petitioner managed to flee away and Vikash Kumar was apprehended and a bag containing 11.25 litres liquor was recovered and Vikash Kumar disclosed that petitioner was driving the motorcycle.

Taking into consideration the facts aforesaid, I do not find the case fit for grant of anticipatory bail as prima facie case is made out against the petitioner. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner and dispose of the same preferably on the same day.

(Prabhat Kumar Jha, J)

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