

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6474 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- KARAKAT District- Rohtas

MANISH MISHRA Son of Sunil Mishra Resident of Village- Raghunathpur,
P.S.- Karakat, District- Rohtas at Sasaram.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 08-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Karakat P.S. Case No. 200 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

A Bajaj Platina motorcycle was recovered by the police. The occupant of the motorcycle had fled away. From the motorcycle, the police recovered 23.40 liters of foreign liquor.

The registered owner of the vehicle was subsequently arrested. It appears that he disclosed to the police that he had sold the motorcycle to the petitioner. On that basis, the petitioner's name has emerged in this case.

Learned counsel appearing on behalf of the petitioner has submitted that there is no material collected in course of investigation to suggest that the petitioner had purchased the



motorcycle in question. He has submitted that in fact he had never purchased the motorcycle so seized. According to him, in the absence of any recovery from the petitioner's possession of any prohibited article, in the facts and circumstances, a case for grant of anticipatory bail is made out despite there being bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

Considering the nature of accusation in the First Information Report and the materials collected in course of investigation, instead of going into the question as to whether this anticipatory bail application can be maintained or not, it is directed that if the petitioner surrenders before the Court below within four weeks from today and applies for regular bail, the same shall be considered and disposed of on the same day.

With the above observation, this application stands disposed of.

(Chakradhari Sharan Singh, J)

Pawan/-

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

