

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7533 of 2020

Arising Out of PS. Case No.-513 Year-2019 Thana- SHEKHPURA District- Sheikhpura

Dharmendra Kumar Son of Bijay Ram @ Vijay Ram Resident of Village -
New Colony Maharaniपुरa, Sheikhpura, P.S.- and Dist.- Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory bail in connection with Excise Case No. 435 of 2019 arising out of Sheikhpura P.S. Case No. 513 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, wherein it appears from the materials available on the record that in course of raid by the police party one person riding the



motorcycle fled away taking advantage of the crowd and then when the motorcycle was seized illicit liquours were found in the said motorcycle and later on it was found that the motorcycle belongs to this petitioner, there being no explanation that the petitioner had provided the motorcycle to some other person, this Court is not inclined to accept the submission of learned counsel for the petitioner that only because the motorcycle is registered in his name, there is no material against him. The motorcycle of the petitioner having been seized with the illicit liquor and there being no explanation showing that the petitioner has provided the motorcycle to any other person, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Rajeev Ranjan Prasad, J)

vats/-

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