

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9750 of 2020**

Arising Out of PS. Case No.-886 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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ASHOK KUMAR CHAUDHARY, Son of Ram Lakhon Chaudhary, Resident
of Village - Satpura Durga Asthan, P.S. - Kazimohammadpur, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

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

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 272 and
273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of
Sanjay Kumar Singh, A.S.I submitted before the S.H.O., Sadar
Police Station is to the effect that a motorcycle bearing
registration No. BR-06N-1210 was intercepted when the driver
of the motorcycle escaped from the scene and 1.80 litre of
Indian Made Foreign Liquor was recovered from the
motorcycle. The petitioner is the owner of the motorcycle in



question.

It is submitted by learned counsel for the petitioner that the said recovery has not been made from the possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that the recovery has been made from the motorcycle of the petitioner, the anticipatory bail application is not maintainable.

Let the learned Court below consider the prayer for regular bail of the petitioner and preferably dispose of the same on the same day, if the petitioner surrenders within a period of six weeks, in connection with Sadar P.S. Case No. 886 of 2019, pending before the learned Special Judge, Excise, Muzaffarpur..

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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