

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14179 of 2020

Arising Out of PS. Case No.-537 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SHAUKAT ALI @ MD. SHAUKAT ALI @ MD. SHAUKAT Son of Md.
Mustakim Resident of Village - Singhaul, Ward no. 2, P.S.- Muffasil, District -
Begusarai.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate.
For the State : Mr. Ramesh Chandra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 29-06-2020 Heard learned counsel for the petitioner and the learned
A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with
Muffasil P.S. Case No.537 of 2019 registered under Sections 30(a),
32(2) of the Bihar Excise Prohibition Act, 2016, pending in the court
of the Additional Sessions Judge-II-cum-Special Judge, Excise Act,
Begusarai.

The accusation is that in course of patrolling by the
informant along with other police personnel, one Magic Mini Truck
bearing Registration No.BR-09GA-6745 was seen in parking
condition. On seeing the police party, one person succeeded to flee
away. On search of the aforesaid Magic Mini Truck, 380 bottles,
each containing 180 ml., and 192 bottles, each containing 375 ml.,



Indian Made Foreign Liquor, were recovered. From the cabin of the aforesaid truck, the photocopy of the driving license in the name of the petitioner was recovered.

Learned counsel appearing on behalf of the petitioner submits that , while the petitioner, earlier, was the driver of the seized Mini Truck but he had left to drive the same and he could not take the photocopy of his driving license from the cabin of the same. On the basis of the recovery of the photocopy of his driving license from the aforesaid truck, the petitioner has been made accused in this case and he has no criminal antecedent.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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