

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14445 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- TARABARI District- Araria

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MUKESH KUMAR DAS S/o Sukdev Prasad Das @ Shukdev Prasad Das,
Resident of Village- Dhokariya, P.S.- Madanpur, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-09-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Tarabari P.S.

Case No.08 of 2020 registered under Section 30(a) of the Bihar
Prohibition and Excise Act corresponding to Special Case
No.110 of 2020.

The informant (police officer) alleged that the police
intercepted a motorcycle bearing Registration No.BR-38R-6251
but the motorcyclist managed to flee away. On search, 26 bottles
each containing 300 ml of Nepali liquor were recovered from
the box of the motorcycle. The owner book of the motorcycle
was also found inside the tool box of the motorcycle and from
perusal of the owner book, it transpired that Mukesh Kumar Das
(petitioner) is the owner of the motorcycle.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the case on mere suspicion. The petitioner had parked his motorcycle by the side of the road and he went to attend the call of nature and when the petitioner came back, he did not find his motorcycle.

It appears from perusal of the F.I.R. that the motorcyclist was signaled to stop but the motorcyclist managed to flee away leaving his motorcycle and on search, 26 bottles each containing 300 ml of Nepali liquor were recovered from the motorcycle. The petitioner is the owner of the motorcycle and it is not the fact that the petitioner had handed over his motorcycle to any person, who was carrying liquor.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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