

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16346 of 2020**

Arising Out of PS. Case No.-251 Year-2018 Thana- KHIJARSARAI District- Gaya

RAHUL KUMAR S/o Vinod Malakar Resident of Mohalla- Gopal Pandey
Lane, Village- Manpur, P.S.- Buniadganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 21-10-2020 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP Incharge in absence of Mr.

Rajendera Prasad Nut, learned APP.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Khizarsarai P.S. Case No. 251/2018
registered for the offences under Sections 414 of Indian Penal
Code and 30(a) of Bihar Excise Prohibition Amendment Act,
2018, pending in the Court of learned Special Judge (Excise
Act), Gaya.

Perusal of the earlier order of this Court shows that
the affidavit does not contain correct engine number and chassis
number and it does not contain any signature of the petitioner.
Learned counsel for the petitioner had taken time to seek
instruction and to make available the said Gopal Ram in whose



favour he claims to have sold the motorcycle appear in this Court online.

The Court had earlier granted interim protection to the petitioner, however considering the materials on the record and that the motorcycle of this petitioner was intercepted by police and then two persons had fled away from the spot and it has come in course of investigation that this petitioner was involved in the alleged transportation of the liquor through his motorcycle, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. It is not one of those cases in which he was only person on the motorcycle and that he was either arrested or identified as someone different from the owner of the vehicle.

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 the order of this Court.

The observation to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

