

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30173 of 2020**

Arising Out of PS. Case No.-351 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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AMOD KUMAR Son of Harih Ray Resident of Karnpura, Jadhua Vaishali,
Bihar (Owner of TVS Apache bearing registration no. BR31AJ-5308)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajesh Mohan ,Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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

2 18-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Dashrath Mehta, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Spl. Case No. 1904 of 2020 arising out of

PR. No. 351 of 2020 registered for the offences punishable

under Sections 30(a), 32(1), 32(3)/41(1)/42(2) of the Bihar

Prohibition and Excise Amendment Act, 2018.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case on mere suspicion. Learned counsel has submitted that

nothing incriminating has been recovered from the possession of



the petitioner and the petitioner has got no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein as per allegations it was the motorcycle of the petitioner which was found carrying the illicit liquor and it is alleged that the petitioner was driving the same, there being some prima facie material to connect the petitioner with the present case and there being no plausible explanation coming from the petitioner being owner of the vehicle, in view of the Bar contained under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 and keeping in view the judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav versus The State of Bihar** reported in **2019 (2) PLJR 1089**, this court is not inclined to grant privilege of anticipatory bail to the petitioner. The 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 the present order of this Court.

The observation with regard 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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

