

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84179 of 2019

Arising Out of PS. Case No.-130 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

MRS. CHANDA DEVI @ CHANDA DEVI, aged about 30 years, Female,
Wife of Manoj Kumar Saha, Resident of Village - Abdul Kadir Lane,
Maheshpur, P.O. Mirjanhat, P.S.- Babarganj, Distt – Bhagalpur
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

3 10-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state through video
conferencing.

The petitioner seeks pre-arrest bail in connection with
Industrial Area P.S. Case No. 130 of 2019, pending in the Court
of the Additional Sessions Judge II-cum-Special Judge, Excise
Act, Bhagalpur, registered under Sections 30, 30(a) and 32 of the
Bihar Prohibition and Excise Act, 2016.

In course of patrolling duty, three motorcycles were
seen parking on the road where four persons were seen. On
seeing the police vehicle, all four persons succeeded to flee
away boarding on two motorcycles. On search of motorcycle,
bearing registration no. BR-10AB-4951 four sacks containing
640 bottles, each containing 200 ml country made liquor



recovered.

Submission is that the petitioner was not apprehended on spot. In fact, the petitioner is the owner of the seized motorcycle, which was taken by the villager for urgent work and the petitioner had no knowledge about carrying the liquor loading on the motorcycle of petitioner by the co-villager. Admittedly, the petitioner is the owner of the motorcycle from which the four sacks, containing 640 bottles, each containing 200 ml country made liquor were recovered.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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