

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1043 of 2020

Arising Out of PS. Case No.-141 Year-2017 Thana- KASBA District- Purnia

=====

KUNDAN KUMAR SAH Son of Awdhesh Prasad Sah Resident of Village -
Garh Banaili Ward No.7, P.S.- Kasba, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha

For the Opposite Party/s : Mr.Tapeshwar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Kasba P.S. case No. 141/ 2017 registered under Section 272, 273 of the IPC and u/s 30(a) of the Bihar Prohibition & Excise Act.

The informant intercepted a motor cycle bearing registration No. BR11Z-3328 and recovered a bag in which 14 bottles of Royal Stag whiskey were kept.

The learned counsel for the petitioner submits that petitioner was not apprehended on the spot. Of course, the petitioner is owner of the motor cycle but one Pawan Kumar took the motor cycle of the petitioner and it was he who was carrying liquor with another person on the motor cycle. The



petitioner gave information of this fact to the SHO, Kasba P.S. but from the facts it appears that vehicle of the petitioner was seized with a bag and two persons who were coming on the motor cycle managed to flee away. The motor cycle was found standing in the name of the petitioner and when the motor cycle was seized with liquor then the petitioner filed petition stating that Pawan Kumar had taken the motor cycle.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

