

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27527 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- BENIPATTI District- Madhubani

YOGENDRA SAH Son of Rajendra Sah Resident of Village - Murliachowk
Bajraha Tol, P.S.- Bisfi, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Benipatti P.S. Case No. 71 of 2020 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitionenr submits that on secret information police intercepted a tempo from which the tempo driver managed to escape. On search 75.600 illicit liquor has been recovered from the tempo.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that this petitioner is the owner of the tempo in which illicit was carried but the fact is that the driver



of the said tempo namely Sanjay Paswan had taken the said tempo and the petitioner has no knowledge regarding the said illicit liquor.

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 the illicit liquor has been recovered from the tempo which belongs to this petitioner. The allegation is that when the police party stopped the vehicle, the person who was driving the vehicle fled away. Although learned counsel for the petitioner has submitted that this petitioner had handed over the tempo to one Sanjay Paswan on hire for driving and paying a sum of Rs. 250/- per day, the said document enclosed with the petition does not inspire confidence as on the one hand the stamp paper on which the agreement has been shown is of only few days' back, the document is not legible and no affidavit of said Sanjay Paswan has been brought on record, moreover, these documents were not provided to the I.O. in course of investigation, hence these are unverified document, in the totality of the circumstances, 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 within a period of four weeks from today in the court below, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

The application stands dismissed.

(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'.

