

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27901 of 2020

Arising Out of PS. Case No.-221 Year-2020 Thana- BUXAR District- Buxar

PREM KUMAR Son of Chattu Singh Resident of - Virat Nagar, P.S. Buxar
(Town), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr. A.M.P. Mehta, A.P.P.

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

ORAL ORDER

2 02-02-2021 Let the learned counsel for the petitioner remove
the defect(s), as pointed out by the office vide its notes dated
17.10.2020, within four weeks from today.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Buxar (Town) P.S. Case No. 221 of 2020, registered under
Section 30(a) and 37(2) of Bihar Prohibition and Excise
(Amendment) Act, 2018, pending in the court of the learned
Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Buxar.

The accusation is that informant and other Police
personnel received secret information to the effect that two
persons, boarding on motorcycle, are carrying illicit liquor
towards railway station, Buxar then informant and other



Police personnel proceeded towards that direction at about 2.00 P.M. on 02.06.2020 then on seeing the Police party, two persons started fleeing from motorcycle, but, on chase, one person was apprehended, but other managed to escape from there. The caught hold person disclosed his name Aditya Kumar and he also disclosed the name of his associate as Prem Kumar (petitioner), who succeeded to flee away. On search of motorcycle bearing registration No. BR44J-2616, 48 bottles each containing 180 ML and seven bottles, each containing 375 ML Indian made foreign liquor recovered.

Learned counsel appearing on behalf of petitioner submits that petitioner was not apprehended on the spot, rather, his name has been disclosed by co-accused, who was apprehended by the Police with seized liquor and motorcycle of petitioner. Further submission is that, in fact, co-accused had taken the motorcycle of petitioner for personnel use and when Police apprehended him, he disclosed the name of petitioner as his associate, who succeeded to flee away.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands



rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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