

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28533 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- JAGDISHPUR District- Bhojpur

RAJ KUMAR PRASAD Son of Birendra Prasad Resident of Village- Sarma,
P.S.- Sahpur, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-01-2021 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 Excise Case No. 779 of 2020 arising out of Jagdishpur P.S. Case No. 126 of 2020 registered for the offences punishable under Sections 30(A)/30(G) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the first Information report the informant, while on patrolling duty, reached at Isari Petrol Pump and he saw that one Tempo reached and on seeing police party the driver of the Tempo stopped his Tempo and fled away in dark night. On search of the alleged Tempo 310 liters Mahua wine had been recovered and accordingly seizure list was prepared. It is further alleged that the petitioner is said to be the owner of the Tempo.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to suspicion about the owner of the Tempo. The petitioner has no knowledge about the illegal wine loaded in the Tempo by the driver. Learned counsel submits that petitioner has got no criminal antecedent.

Learned A.P.P. 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 belonging to this petitioner and it is alleged that he had run away after leaving the vehicle when the police party intercepted the vehicle loaded with the illicit liquor and though it is the oral submission of learned counsel for the petitioner that petitioner is the owner of the vehicle but he was not driving the same, he is unable to disclose even the name of the driver and in course of investigation this Court had given him opportunity to appear before the I.O. and cooperate but no affidavit has been filed showing compliance of the previous order of this Court and from the diary it nowhere appears that the vehicle was being driven by anybody else, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.



Prayer for anticipatory bail of the petitioner is, thus,
refused.

In case, petitioner surrenders and prays for regular
bail in the learned court below within a period of four weeks
from today, his prayer for regular bail shall be considered by the
learned court below on it's own merit without being prejudiced
by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

