

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31455 of 2020

Arising Out of PS. Case No.-450 Year-2019 Thana- CHANDI District- Nalanda

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BIPIN KUMAR S/o Upendra Chouhan Resident of Village-Cherui Beldari,
P.S.-Noorsarai, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar, Adv

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-01-2021 Heard Mr. Surendra Kumar, learned counsel for the

petitioners and Mr. Brajendra Nath Pandey, Additional Public

Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Chandi PS Case No. 450 of 2019 registered for the offence

punishable under Sections 30(a) of Bihar Excise (Prohibition)

Amendment Act, 2016.

3. The allegation, as per FIR, is that the police

intercepted a motorcycle on which two persons were riding and

upon seeing the police party, the accused persons fled away

leaving the motorcycle. However, police recovered total

quantity of 10.10 litres of illicit liquor from the said motorcycle.

It is further alleged that petitioner is owner of the motorcycle in

question.

4. Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has got no criminal antecedents. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioner.

5. From perusal of the material on record, it appears that the petitioner is the owner of the motorcycle and the illicit liquor has been recovered from the said motorcycle. Accordingly, keeping in view the Full Bench decision passed in the case of *Ram Vinay Yadav v. State of Bihar* in *Cr. Appeal (SJ) No. 431/2019*, I am not inclined to grant anticipatory to the petitioner. Accordingly, the same is rejected.

(Anil Kumar Sinha, J)

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