

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35618 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

PUTUSH KUMAR S/o Jagdish Prasad R/o- Deoria, P.S.- Silao, Distt.-
Nalanda.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr. Satyendra Prasad

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

ORAL ORDER

2 15-04-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 16.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Laheri P.S. Case No. 69 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise Act, pending in the court of the learned Additional Sessions Judge-III-cum-Special Judge (Excise), Nalanda at Bihar Sharif.

The accusation is that on receiving secret information about carrying of illegal Spirit loading on Pulsar motorcycle bearing its registration No. BR-21N-8858 in Nalanda colony, the informant and other Police personnel reached in that colony



then on seeing the Police personnel, two persons started fleeing leaving the motorcycle. On search, 35 litres of spirit kept in plastic sack recovered from the motorcycle bearing registration No. BR-21N-8858.

Learned counsel appearing on behalf of petitioner submits that it would appear from the F.I.R. that none was apprehended on the spot. In course of investigation, it has detected that the seized motorcycle was belonging to the petitioner. Further submission is that, in fact, the petitioner had parked his motorcycle inside the road and moved from there for marketing in the meantime, the motorcycle of the petitioner was seized.

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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