

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35711 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- RISIYAP District- Aurangabad

Rahul Kumar Singh, S/o Girendra Singh, R/o Village- Naga Bigha, P.s.-
Madanpur, District- Aurangabad ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Ms. Mukul Kumari, Adv.
For the Opposite Party : Mr. Uday Chand Prasad, APP

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

ORAL ORDER

2 03-05-2021 As prayed for, through video conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 17.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Risiyap P.S. Case No. 59 of 2020 (G.R. No. 817 of 2020), pending in the Court of the Special Judge, Excise, Aurangabad, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of checking of the vehicle, one Passion motorcycle of black colour, bearing registration no. BR-26G-1592, was seen, when signal was given to stop the motorcycle by the informant and other police



personnel, then, the person who was driving the motorcycle fled away leaving the motorcycle. On search, two sacks were found tagged at the back of the motorcycle and on search 74 bottles, each containing 300 ml and 18 bottles, each containing 375 ml Indian made foreign liquor recovered.

Submission is that petitioner was not apprehended on spot and the search and seizure of the alleged bottles of Indian made foreign liquor was not made in presence of the petitioner. The petitioner is the owner of the motorcycle. Further, submission is that the motorcycle of the petitioner was taken by the relative of the petitioner for urgent work and the petitioner was not in knowledge about carrying the liquor by the relative loading on the motorcycle.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected** with direction to the petitioner to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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