

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37240 of 2020

Arising Out of PS. Case No.-238 Year-2020 Thana- TAJPUR District- Samastipur

AZAD KUMAR SON OF RAM BHAWAN MAHTO @ RAMJIVAN
MAHTO RESIDENT OF VILLAGE - BARBATT, P.S. -
MUSRIGHARARI, DISTRICT - SAMASTIPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Ajeet Kumar, A.P.P.

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

ORAL ORDER

2 30-06-2021

Heard the parties through video conferencing.

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 19.12.2020, 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 Tajpur P.S. Case No. 238 of 2020, registered under Section 30(a), 41(1) and 42(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018, pending in the court of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur.



The accusation is that in course of patrolling duty, the informant and other Police personnel received information to the effect that at Brahmasthan Harish Chandra Singh @ Bidhayak, who is doing the business of illicit liquor, is present along with a vehicle loaded with liquor. Thereafter, informant along with other Police personnel reached there. On seeing the Police vehicle, the driver of the vehicle tried to flee away, in reverse gear, but the car fell down in a ditch. At that time, two persons asked Harish Chandra Singh to flee away. One person succeeded to flee away taking advantage of bushes inside the road, while that person was identified as Harish Chandra Singh @ Bidhayak, who is accused in several excise cases. In presence of witnesses, a red colour car bearing registration No. BR31PA-6597 was searched from which 28 cartons, containing several bottles of Indian Made Foreign Liquor in volume of 244.800 litres recovered.

Learned counsel appearing on behalf of petitioner submits that petitioner has falsely been implicated in this case being owner of the vehicle. Further submission is that, in fact, the vehicle of the petitioner was taken by Harish Chandra Singh @ Bidhayak, whose name is detailed in the F.I.R. for personal work and this petitioner has no knowledge about



carrying the liquor by Harish Chandra Singh @ Bidhayak in the vehicle. The petitioner has no criminal antecedent.

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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