

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37250 of 2020**

Arising Out of PS. Case No.-276 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Gauri Shankar Prasad @ Hari Shankar Prasad @ Gauri Shankar Kushawaha
S/o Rangilal Bhagat R/o Village- Mustafapur, P.S.- Ahiyapur, District-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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

ORAL ORDER

2 30-06-2021 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 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 Ahiyapur P.S. Case No. 276 of 2020, registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016, pending in the court of the learned Special Judge (Excise), Muzaffarpur.

The accusation is that in course of checking of the vehicle, four persons were seen in suspicious condition on two



motorcycles, when signal was given to stop the motorcycle then all started to flee away towards village, but, on chase, one person, who was sitting on rear seat, was apprehended, who disclosed his name Uma Shankar Prasad, while other three persons succeeded to flee away leaving the motorcycle. In presence of witnesses, both motorcycles were searched and 25 bottles, each containing 180 ML Indian Made Foreign Liquor kept in plastic sack recovered from Hero Glamour motorcycle bearing registration No. BR06AT-5011 and on search of other motorcycle bearing registration No. BR06W-5888, two gallons containing 10 litres and 02 litres country made liquor recovered. The apprehended person, namely, Uma Shankar Prasad also disclosed the name of three persons, who succeeded to flee away as Gauri Shankar Prasad @ Hari Shankar Prasad (Petitioner), Sunil Sahni and Kuiya Sahni.

Learned counsel appearing on behalf of petitioner submits that, in fact, petitioner is the owner of BR06AT-5011 from which a sack is said to be recovered containing two plastic gallons of ten litres and two litres country made liquor. Further submission is that, in fact, nothing was recovered from his motorcycle, rather, the his motorcycle was seized by the Police from his house.



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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