

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1238 of 2021

Arising Out of PS. Case No.-167 Year-2017 Thana- GHORASAHAN District- East
Champaran

=====

Raju Sah, aged about 35 years, male, Son of Ramchandra Sah, Resident of
Village - Bheriyahi, P.S. - Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 02-07-2021 Heard Mr. Abhishek Kumar, the learned

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Ghorasahan (Jitna) P.S. Case

No. 167 of 2017, instituted for the offences under

Sections 272 and 273 of the Indian Penal Code and

Section 30(a) of the Bihar Prohibition and Excise Act,



2016.

It is alleged in the F.I.R. that on seeing the police party, the petitioner fled away, leaving behind his motorcycle. From the search of the motorcycle, 31.5 litres of *Nepalis* liquor was recovered.

It has been submitted on behalf of the petitioner that though the motorcycle originally belonged to him, but he had sold it to one Baccha Sah by a sale letter dated 03.04.2017.

This Court is not inclined to accept the submission made on behalf of the petitioner as the vehicle in question still stands in his name.

Since the recovery has been made from a motorcycle belonging to the petitioner, I am not inclined to grant him anticipatory bail.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by



the fact that the present anticipatory bail application has
not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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