

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2213 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- HAYAGHAT District- Darbhanga

RAJ KUMAR SAH S/O RAMCHANDRA SAH Resident Of Village -
Brahmpur, P. S. - kamtaul, District- Darbhanga.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Kedar Jha, Advocate.

For the State : Mr. Awadhesh Kumar Singh, A.P.P.

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

ORAL ORDER

2 13-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 06.01.2021, within four weeks of starting of the 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 G.O. Case No.148 of 2020, arising out of Hayaghat P.S. Case No.18 of 2020, registered under Sections 272, 273 and 420/34 of the Indian Penal Code besides Section 30(a) of the Excise Act, 2016, pending in the court of the 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga.



The accusation is that in course of checking of the vehicle by the informant along with other police personnel, one person was seen on a motorcycle, keeping three cartoons on the motorcycle. On chase, he was apprehended with motorcycle, who disclosed his name as Pappu Kumar Sah. On search of the cartoons of the motorcycle, 114 bottles, each containing 180 ml. Indian Made Foreign Liquor, were recovered. The apprehended person also disclosed the name of the owner of the Motorcycle bearing Registration No.BR06BE-3329 as Raj Kumar Sah (petitioner).

Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner is the owner of the said motorcycle, which is said to be seized by the police, from which the alleged recovery of Indian Made Foreign Liquor is said to be made. In fact, the seized motorcycle was being used by Pappu Kumar Sah, who is the brother-in-law of the petitioner, and the petitioner had no knowledge about carrying the liquor on his motorcycle by Pappu Kumar Sah as the petitioner used to reside at Delhi.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.



Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today 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)

P.S./-

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