

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3262 of 2021**

Arising Out of PS. Case No.-438 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

AMARJEET KUMAR S/o Ram Chandra Mahto R/o Village- Kewas Nijamat,
P.S.- Mufassil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh-1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 22-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Mufassil P.S. Case no. 438 of 2020 instituted for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per allegation in the FIR, acting on a tip off police
has recovered 8.250 litres of IMFL from a abandoned Glamour
Motorcycle bearing Registration No. Br-33AC-7283.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. He has got no criminal antecedent.



Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern with the alleged recovery.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that petitioner is registered owner of the alleged vehicle, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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