

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39830 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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AJEET KUMAR Son of Shiv Pujan Shah Resident of Village - Banjariya
Sahu Tola, P.S.- Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2022 Heard learned counsel for the parties through video conferencing.

The petitioner apprehends his arrest in a case registered for the offence under Section 30(a) of the Bihar Prohibition & Excise Act.

Total 53 liters 400 ml. of Nepali wine has been recovered from a motorcycle, of which, this petitioner is registered owner.

It is submitted on behalf of petitioner that though, petitioner is owner of the seized motorcycle, but same was already stolen on 09.11.2021 by some unknown miscreant and to this effect, petitioner has already lodged a case, vide Chatawani P.S. Case No. 240 of 2022, against unknown.



However, learned A.P.P. for the State vehemently opposed the prayer for bail and submitted that in this case, recovery has been made on 22.02.2022 and from perusal of Annexure -2 i.e. F.I.R., which is alleged to be lodged by the petitioner for theft of alleged motorcycle, is dated 23.06.2022 i.e. after the date of institution of present case and as such, the plea of the petitioner cannot be accepted that his motorcycle was already stolen on the alleged date of recovery of illicit liquor.

Fact remains that petitioner is registered owner of the motorcycle, from which, huge quantity of illicit liquor has been recovered.

Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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