

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64104 of 2021

Arising Out of PS. Case No.-378 Year-2020 Thana- MADHUBAN District- East Champaran

MAAN SINGH Son of Lal Babu Prasad Resident of Village - Bara Pakar
(Dulma), P.S.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273, 420, 34 of the I.P.C. and Sections 30(a), 41, 44 of the Bihar Prohibition and Excise Act.

613 litres of illicit foreign liquor has been recovered from different vehicles, including the motorcycle of this petitioner.

It is submitted that though, petitioner is registered owner of motorcycle, from which, foreign liquor has been recovered, but nothing has been recovered from conscious possession of this petitioner. There is no allegation of tampering with the evidence against this petitioner. Mandatory provision with regard to search and seizure has not been followed. Petitioner claims clean antecedent.



Considering the fact that there is recovery from the motorcycle of the petitioner and in view of restriction imposed under Section 76 (2) of Bihar Prohibition and Excise Act, I am not inclined to extend the privilege of anticipatory bail to the petitioner and accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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