

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67413 of 2021**

Arising Out of PS. Case No.-286 Year-2018 Thana- AAJAM NAGAR District- Katihar

SHANKAR MAHALDAR @ SHANKAR MANDAL Son of Robin
Mahaldar Resident of Azamnagar, P.S.- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal
For the Opposite Party/s : Mr.Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 01-04-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Azamnagar P.S. Case No.286 of 2018, registered for the offence punishable under sections 30(a) of the Bihar Excise Act, 2016.

Altogether, 1.5 litres of foreign liquor is said to have been recovered from the dicky of a motorcycle and two persons were apprehended. It is alleged that the petitioner is the owner of the said motorcycle.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged



in the FIR. He has been falsely implicated in this case merely on the basis that he is the owner of the said motorcycle but the petitioner has already sold the said bike to the co-accused Pankaj Sah in the year 2018 itself and in this regard an affidavit is annexed at Annexure-2 of this application. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submits that the said motorcycle has not been transferred in the name of the co-accused Pankaj Sah till date.

Considering the aforesaid facts and circumstances, since the recovery has been made from the motorcycle of the petitioner, I am not inclined to grant the privilege of anticipatory bail to him. The prayer for anticipatory bail to the petitioner named above is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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