

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60340 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- CHACKMEHSI District- Samastipur

Md. Sitare, aged about 31 years (Male), son of Md. Mujahir, resident of
Village- Chakhaji, Ward No 7, PS- Karpurigram, District- Samastipur
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Chakmehsi PS Case No.72 of 2023 dated 08.04.2023, instituted
under Sections 468, 471, 420, 414/34 of the Indian Penal Code
and 30(a), 32, 36, 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that the police
during patrolling got information that Prabhat Choudhary, Ravi
Choudhary and Sanu Kumar have brought huge consignment of
liquor at a scheduled place and the same would be supplied to
bootleggers of local area. The police reached the place of
occurrence and found one truck parked there and three Pickup
vans were also parked behind the truck in which some persons
were loading cartons. Two cars were also parked at some



distance. On seeing the police, the persons, who were loading the cartons, fled away. The persons sitting in the cars also tried to run away but one of the car got stuck in a pit due to which persons sitting in the car got down from the car and started running away. One person was caught by the police, who disclosed the name of other bootleggers. The police recovered total 5951.880 litres foreign liquor from the five vehicles which were parked there.

4. Learned counsel for the petitioner submits that the petitioner is the owner of one vehicle i.e., Tata Indra AV 30 Magic Van bearing registration no. BR 33GB 6421 from which total 414.72 litres foreign liquor was recovered and that is why the petitioner has been made accused in this case. Nothing has been recovered from the possession of the petitioner. It is further submitted that the petitioner was not present at the place of occurrence and the vehicle was being driven by his brother-in-law, Md. Noor Hasan, who has already surrendered before the Court below.

5. Learned APP has opposed the prayer for bail.

6. Since petitioner is the owner of one of the vehicle from which illicit foreign liquor was recovered, I am not inclined to grant anticipatory bail to the petitioner.



7. Accordingly, prayer of the petitioner for grant of anticipatory bail is rejected.

8. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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