

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35555 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- LADANIA District- Madhubani

Nand Kumar Kamat Son of Ram Shobhit Kamat Resident of Village-
Donwari, P.S- Ladaniya, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Md Soban Asghar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Ladaniya P.S. Case No. 108 of 2023 (G.R. No. 684/2023), registered for the alleged offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, during patrolling, a person was found riding a motorcycle carrying some article on his motorcycle. On seeing the police party, the said person fled away, leaving behind his motorcycle and from the said motorcycle, recovery of 27 liters of country made Nepali liquor was made. The petitioner is said to be the owner of the motorcycle who was driving the motorcycle during the relevant period.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was coming on his motorcycle and has parked his motorcycle on the roadside where the police intercepted his motorcycle and on suspicion made the petitioner accused in this case. No recovery has been made from the motorcycle as alleged and the petitioner has nothing to do with the seized article. The petitioner has got one criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that recovery of illicit liquor was made from the motorcycle and admittedly, the petitioner was driving the motorcycle during relevant time. The petitioner is having criminal antecedent of similar nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that recovery has been made from the motorcycle being driven by the petitioner and also considering the criminal antecedent of similar nature of the petitioner, I do not think it is a fit case of grant of anticipatory bail. Hence, prayer for anticipatory bail of the petitioner is **rejected**.

(Arun Kumar Jha, J)

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