

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51014 of 2024

Arising Out of PS. Case No.-501 Year-2024 Thana- Excise P.S. District- East Champaran

Shakil Akhtar, Son Of Imdad Ilahi, resident of Village- Barharwa, PS- Jitna,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Motihari Excise P.S. Case No. 501 of 2024, registered for the alleged offence under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about illicit liquor being kept on a motorcycle and at the identified place, the motorcycle was found parked and a plastic sack was tied on the motorcycle. On further search, 50 liters of country made liquor was recovered from the sack. The petitioner is stated to be the owner of the motorcycle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner has no concern with the recovery made from the motorcycle. The petitioner has parked the motorcycle and went to attend natural call. Meanwhile police arrived and took possession of the motorcycle and demanded illegal gratification from the petitioner. On denial of the petitioner, motorcycle was seized and recovery has been shown from the said motorcycle. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. The seizure list witnesses are police personnel and there is no independent witness and thus Section 100 of the Cr.P.C. has been violated. The petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that it is not believable that the petitioner parked the motorcycle and the motorcycle was seized. There has been recovery of 50 liters of country made liquor from the sack tied on the motorcycle and there is no explanation coming forward from the petitioner except taking the defence of demand of illegal gratification.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, I do not think it is a fit case for grant of anticipatory bail to the petitioner.



7. Hence, his prayer for grant of anticipatory bail is
rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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