

Arising Out of PS. Case No.-36 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry
For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

[illegible]

The petitioner apprehends his arrest in connection with Town P.S. Case No. 36 of 2017, registered under Section 30(a) of the Bihar Excise Amendment Act, 2016, pending in the court of the Chief Judicial Magistrate, Begusarai.

The accusation is that on receiving secret information about keeping the illicit liquor in goods carrier vehicle, the informant being the Police officer of Town Police Station along with other Police officials reached behind Alka Cinema Hall and found a carrier vehicle of Ashok Leyland Company bearing Reg. No. JH-15N-6489 was standing there. On search, 240 bottle, each containing 180 ML, 504 bottle each



containing 375 ML and 10 bottle, each containing 750 ML of India made foreign liquor was recovered, but neither the driver nor any person came there for claiming the aforesaid vehicle.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was refused by this Court vide Criminal Miscellaneous No. 30533 of 2017 on 31.07.2017 due to non-maintainability of the application under Section 438 of the Cr.P.C. for the offence under the Bihar Excise (Amendment) Act, 2016, but later on, a Division Bench of this Court in Criminal Miscellaneous No. 21578 of 2017 (Manish Kumar @ Lokesh Kumar v. The State of Bihar) held that the application filed under Section 438 of the Cr.P.C. for the offence under the Bihar Excise (Amendment) Act, 2016, is maintainable. Thereafter, the present application has been filed. Further submission is that, admittedly, the petitioner is the owner of the aforesaid carrier vehicle, which was being driven by its driver, namely, Manoj Kumar and this petitioner had no knowledge about the engagement of his vehicle by the driver in carrying the seized liquor.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner and the quantity of the seized liquor, I am not inclined to grant



anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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