

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12510 of 2019**

Arising Out of PS. Case No.-145 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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SHIV KUMAR @ SHIV KUMAR SINGH aged about 30 years, Gender-
Male, S/o-Sri Baldeo Singh Resident of village-Baryarpur, Diara, South of
Mile Chowk, Ward No.-14, Bhairapur,p.s-Bidupur,Dist-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Ramesh Chandra

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection
with Case No. C2A-145/2018 registered under Sections 30(a) of the
Bihar Prohibition and Excise Act, 2016 pending in the court of
learned Additional District and Sessions Judge-II cum special Judge
(Excise), Hajipur, Vaishali.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case by the informant
due to *mala fide* intention. It is submitted that he was neither arrested
on the spot nor any incriminating articles have been recovered from
the possession of the petitioner.

On the other hand, learned A.P.P. for the State has opposed
the prayer of anticipatory bail by pointing out from the seizure list in
Excise Form No. 158 that a huge quantity of illicit liquors were



recovered from the goods carrier three wheeler Tempo and from the hut of accused no. 1 & 2. The Tempo was left and the driver was fled away on seeking the police party. So far as this petitioner is concerned, he is said to be the owner and driver of the Tempo in question.

Considering the facts and circumstances wherein it is alleged that the petitioner is the owner as well as driver of the Tempo which was indulged in carrying huge quantity of illicit liquor without any number plate on the vehicle, this court is not inclined to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is refused.

In case, petitioner surrenders and prays for regular bail in the court below within a period of six weeks from today, the prayer for regular bail shall be considered by the court below on its own merit without being prejudiced by the order of this court. The prayer for regular bail shall not be rejected only because this court has refused to grant anticipatory bail to the petitioner.

Rajeev/-

(Rajeev Ranjan Prasad, J)

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