

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17651 of 2019

Arising Out of PS. Case No.-77 Year-2018 Thana- KAJRAILICHAK District- Bhagalpur

DILIP KUMAR, son of Jagadev Mahto, Resident of Village- Somnaha, P.S.-
Chackmensi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 13-08-2019 The petitioner apprehends his arrest in connection with Kajraili P.S.Case No. 77 of 2018 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR lodged by SHO, Kajraili Police Station, is that on information, the police party intercepted a Tata 407 vehicle and upon seeing the police party, two persons from the vehicle fled away. It has further been alleged that upon search, a total quantity of 1183.68 litres illicit foreign liquor has been recovered from the vehicle.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated due to rivalry and village politics. Learned counsel further submits that no independent witness has supported the case of the prosecution except the members of raiding party.



After having heard learned counsel for the parties and taking into consideration the fact that the vehicle, which was seized along with illicit liquor, belongs to the petitioner and no justification has been given by the petitioner regarding illicit liquor kept in his vehicle as such a *prima facie* case under the Act is made out against the petitioner. Therefore, in view of the Full Bench judgment passed in Cr. Appeal (SJ) No. 431 of 2019, I am not inclined to exercise my discretion for grant of privilege of anticipatory bail to the petitioner as such the same is rejected.

(Anil Kumar Sinha, J)

sujit/-

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