

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.16975 of 2019

Arising Out of PS. Case No.-290 Year-2018 Thana- MANJHI District- Saran

Md. Wazid, Son of Md. Jarif, Resident of House No. 198, Street No. 1, Ward No. 8, Company Bagh, Tibba Road P.S.- Basti Jodhawal, District- Ludhiyana, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 10-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Manjhi P.S. Case No.290 of 2018 for the offence punishable under Sections 188, 420, 272, 273 of the Indian Penal Code and Section 30, 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that police intercepted the truck bearing No.BR-31AC-6097 and recovered illegal liquor to the total quantity of 3073 litres. It has further been alleged that the truck belongs to petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has been made accused mainly on the



basis of the fact that he is the owner of the truck. Learned counsel further submits that the petitioner has got no criminal antecedent, therefore, he may be released on anticipatory bail.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the illegal liquor has been recovered from the vehicle which belongs to the petitioner, as such on perusal of the First Information Report, prima facie case under the Excise Act is made against the petitioner.

Accordingly, in view of the law laid down by Full Bench in a Judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, the anticipatory bail is not maintainable. Accordingly, the same is rejected.

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(Anil Kumar Sinha, J)

