

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.75386 of 2018**

Arising Out of PS. Case No.-374 Year-2018 Thana- ALAMGANJ District- Patna

=====

Raj Kapoor @ Raj Kapoor Raj, Son of Binda Singh, Resident of Village-  
Saidpur Ganesh, P.S. Bidupur, District- Vaishali. ... .. Petitioner/s

Versus

The State Of Bihar ... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Rakesh Dubey

For the Opposite Party/s : Mr.Sri Amrendra Prasad

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      15-01-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a black coloured Alto car 35.280 litres of illicit foreign liquor was recovered and three persons were apprehended, who disclosed their name as Anish Raj, Rahul Raj and Rahul Kumar. The apprehended persons disclosed that the vehicle is registered in the name of father of apprehended co-accused Anish Raj, the petitioner Raj Kapoor. They also disclosed that the liquor was being handed over by one Pankaj Kumar.

It is submitted by learned counsel for the petitioner



that the petitioner cannot be held responsible for the recovery of the said foreign liquor. The petitioner has simply been roped in the present case since the apprehended vehicle is registered in his name. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the vehicle of the petitioner.

Considering the fact that the FIR does not suggest that the petitioner was present on the place when the seizure of the said liquor was made, the apprehended persons have not disclosed that the petitioner had knowledge that the liquor was being carried by the apprehended co-accused persons, in the vehicle in question coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 6528 of 2018, arising out of Alamganj P.S. Case No. 374 of 2018, subject to



the conditions as laid down under Section 438(2) of the  
Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

