

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42966 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- PANDARAK District- Patna

Sanjeet Singh Son of Rameshwar Singh Resident of Village-Rupas Kamra
Par, Police Station-Athmalgola and District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the State : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends arrest in connection with
Special Case No. 3887 of 2019 arising out of Pandarak PS Case
No. 44 of 2019 dated 15.04.2019 instituted under Section 30 (a) of
the Bihar Excise (Amendment) Act, 2016.

3. The allegation against the petitioner and others is that
from his truck illicit liquor was recovered.

4. Learned counsel for the petitioner submitted that the
petitioner was not present in the truck and, thus, whatever was
being done was without his knowledge. It was further submitted
that the driver and *khalasi* of the truck have been arrested and the
Excise Act prohibits conscious or constructive possession but the



petitioner not being present and the misuse not being by the petitioner, he cannot be held responsible for recovery of illicit liquor.

5. Learned APP submitted that the ownership of the truck from which illicit liquor has been recovered not being denied, the constructive possession of the petitioner is established and he has to take responsibility for what use is being made of his truck. It was submitted that a person, being the owner of the vehicle, cannot plead innocence, as it is his responsibility to ensure that such vehicle is not misused for any illegal purpose.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP.

7. Accordingly, the application stands dismissed.

8. The interim protection given to the petitioner by order dated 12.07.2019 stands withdrawn.

(Ahsanuddin Amanullah, J)

Anjani/-

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