

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50374 of 2019

Arising Out of PS. Case No.-404 Year-2018 Thana- SAKRA District- Muzaffarpur

Vinod Kumar @ Vinod, Son of Deepchand Panwar, Resident of Village-
Ashadei Urf Prangarh, Police Station- Sikandrabad, District- Bulandshahr.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjana, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-10-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Sakra P.S. Case No. 404 of 2018
registered for the offences punishable under Sections 272, 273,
353, 307 of the Indian Penal Code, Section 27 of the Arms Act and
Sections 30(a)/38/41 of the Bihar Prohibition and Excise Act,
2016.

Learned counsel for the petitioner submits that no doubt
the petitioner is the owner of the Truck bearing Registration No.
UP-15AT-6450 from which 864 liters of illicit liquor are said to
have been recovered, the fact remains that the petitioner had
handed over the Truck to one Adal Singh of District Bulandsahar
on an understanding that he will give Rs. 50,000/- per month to the



petitioner. Learned counsel submits that in such circumstance the petitioner deserves privilege of anticipatory bail. It is further submitted that the co-accused Avinash Kumar @ Kuchha and Bharat Bhushan Mishra @ Fauji @ Nikku against whom there were allegations that they were indulged in doing trade of illicit liquor have been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court.

Learned A.P.P. for the State submits that so far as this petitioner is concerned, he is admittedly owner of the Truck in which 864 liters of illicit liquor were being transported and when the police party reached there, seeing the police vehicle the liquor *Mafiya* fired two rounds and thereafter they fled away leaving the vehicle. Four persons were arrested by police on spot and huge quantity of illicit liquor were seized from the seven vehicles. It is submitted that the defence taken by the petitioner by placing on record a copy of agreement with one Adal Singh is not fit to be accepted at this stage when prima-facie material is present to connect the petitioner in the trade of illicit liquor. Learned A.P.P. submits that it is in these circumstances that the Hon'ble Full Bench of this Court in the case of **Ram Vinay Yadav Vs. The State of Bihar (Criminal Appeal (SJ) No. 431 of 2019)** has taken a view that anticipatory bail application may be entertained only when there is no prima-facie material to



connect the petitioner with the alleged offence. In the present, the anticipatory bail application is not fit to be entertained in view of the Hon'ble Full Bench judgment taken in the case of **Ram Vinay Yadav** (supra).

Having heard learned counsel for the petitioner and learned A.P.P. for the State, this Court is of the considered opinion that there being a prima-facie material in form of the admitted fact the Truck bearing No. UP-15AT-6450 from which 864 liters of illicit liquor have been recovered belongs to this petitioner, it would not be just and proper to entertain the present anticipatory bail application. So far as the anticipatory bail granted to the co-accused are concerned, it is evident on perusal of the order passed by the learned Co-ordinate bench of this Court that the submission on their behalf was that there was no material at all indicating their involvement in the trade of illicit liquor and that they had no criminal antecedent, facts of the present case are different from those cases.

The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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