

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51252 of 2019**

Arising Out of PS. Case No.-334 Year-2019 Thana- SARAIYA District- Muzaffarpur

LALU KUMAR Son of Upendra Rai Resident of Village - Yusufpur, P.S.-  
Lalganj, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sri Krishna Ranjan  
For the Opposite Party/s : Mr.Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      16-11-2019      The petitioner apprehends his arrest in connection with Saraiya P.S.Case No. 334 of 2019 registered under Sections 272, 273 and 414/34of the Indian Penal Code and 30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act.

Allegation against the petitioner, as per FIR, is that total 30 cartons of illicit liquor have been recovered from the magic van of the petitioner bearing Registration No. BR 06CA 6364.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case merely on the basis of the fact that he happens to be the owner of the magic van. He further submits that in fact the petitioner had gone to market for some other purpose in the meanwhile, the police has seized the magic van of the petitioner and alleged that 30 cartons of illicit liquor have been found kept in the magic van of the petitioner.



Having regard to the submissions made by the parties and taking into consideration the fact that illicit liquor has been recovered from the vehicle belonging to the petitioner as such a *prima facie* case under the Excise 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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