

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54023 of 2019

Arising Out of PS Case No.-13 Year-2019 Thana- UCHKAGAON District- Gopalganj

Rahul Pandey, age about 37 years, Gender-Male, Son of Arjun Panday,
Resident of Village - Bir Abdul Hamir Nagar, P.S.- Padrauna, District-
Kushenage.(U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 20-11-2019

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

2. The petitioner has moved the Court seeking pre-arrest
bail in connection with Uchkagaow PS Case No. 13 of 2019 dated
17.01.2019 instituted under Sections 30(a), 35 and 38 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is that in his
Bolero vehicle, 675 litres of whiskey in 3750 bottles were
recovered.

4. Learned counsel for the petitioner submitted that he
was not caught at the spot and, thus, the recovery was not from his
conscious possession. However, on a query of the Court as to



whether he denies being the owner of the vehicle, he submitted that the petitioner is the owner of the seized vehicle.

5. Learned APP submitted that as possession of liquor/ its trade is an offence in the State of Bihar, there is no explanation as to why and how the vehicle of the petitioner was carrying 3750 bottles of liquor.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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