

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58097 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Naresh Kumar, Son of Ramchandra Mahto Resident of Village- Hanuman
Nagar, Kanta Pirouchha, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Gaighat P.S. Case No.148 of 2019, for the offence punishable
under Sections 30(a), 38 and 41 of Bihar Prohibition and Excise
Act, 2016.

The allegation against the petitioner, as mentioned in
the FIR is that the police intercepted a Magic vehicle bearing
Registration No.BR-06PD-6018 near Manu Raj Line Hotel and
on search police recovered a total quantity of 14.25 litres of
illicit foreign liquor and 35 litres of toddy. The driver of the
Magic vehicle has been made accused.

Learned counsel appearing for the petitioner submits
that the petitioner has got no criminal antecedent and has falsely



been implicated in this case. Learned counsel for the petitioner in para-8 of the bail application has stated that petitioner is driver of the said vehicle and he drives vehicle on hire through his owner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that petitioner was in possession of the vehicle being the driver of the same as stated by him in para 8 of the petition, accordingly, in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such the present anticipatory bail application is hereby rejected.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

