

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58680 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- MANJHI District- Saran

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SURENDRA KUMAR @ SURENDRA SINGH Son of Jaswant Singh
Resident of Village - Jharsug, P.S.- Bhoranj, Dist.- Hamirpur (H.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anurag Saurav

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-11-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Manjhi P.S. Case No.71 of 2018 registered for the offences punishable under Sections 188 and 420 of the Indian Penal Code and Sections 30, 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that this petitioner is a resident in the State of Himachal Pradesh, he is the owner of the truck which was intercepted by the Sub-Inspector of Manjhi Police Station in the district of Saran (Chapra). From the said truck 400 boxes each containing 12 pieces of 750 ml bottle, 295 boxes each containing 24 pieces of 375 ml, 50 boxes each containing 48 pieces of 180 ml of Royal



Stag Whisky (in total 745 boxes having 6,580 liters) of English liquor were seized and during the search the driver was arrested. The driver confessed that he was delivering the illicit liquor to different persons and one Sunil Sharma who is resident of Sitamarhi was involved in this case and the owner of the truck is also aware of this transportation. Learned counsel submits that the driver has disclosed the name of the truck owner as Suresh Kumar, but in fact it is the petitioner whose name is Surendra Kumar is the owner of the truck and the petitioner was not aware of the transportation of illicit liquor by his truck. It is also submitted that the petitioner has no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner. It is submitted that this case has to be distinguished with other cases where an individual is apprehended with some small quantity of liquor. In this case the petitioner is the owner of the truck, therefore it was incumbent upon him to know as to where his truck is going on and from perusal of the petition itself it would appear that the petitioner has not even whispered that the truck in question was booked for any other purpose. Learned APP, therefore, submits that there being huge quantity of illicit liquor which has been transported in the State of Bihar, there is some prima-facie



material against the petitioner and hence in terms of the judgment of the Hon'ble Full Bench of this Court in the case of Ram Vinay Yadav Vs. The State of Bihar reported in 2019(2) PLJR 1089, this anticipatory bail should not be entertained.

Having heard learned counsel for the petitioner and learned APP for the State as also on perusal of the materials available on the record, this Court finds that admittedly the truck in question belongs to this petitioner, a huge quantity of illicit liquor was being transported through that truck in the State of Bihar and the petitioner is unable to demonstrate even prima-facie that he was not aware of this transportation and that the truck was booked for some other place and no material to support any such contention has been brought on record, there being a prima-facie material on the record, the prayer for anticipatory bail cannot be entertained in terms of the Hon'ble Full Bench judgment of this Court.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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