

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79240 of 2019

Arising Out of PS. Case No.-524 Year-2018 Thana- SAUR BAZAR District- Saharsa

Rupesh Kumar @ Sonu Kumar Son of Chandra Kishor Yadav Resident of
Village - Gadhiya Balam , Police Station Madhepura, District - Madhepura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ashok Kumar, Advocate
For the Opposite Party : Mr.Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Special
(Excise) Case No. 482(S) of 2018 arising out of Sour Bazar P.S.
Case No. 524 of 2018 registered for offences under Sections
30(a), 38(1) and 41(1) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submitted that
the pick-up van belonging to the petitioner was being used for
carrying indian made foreign liquor. It was plying without any
registration number. The police intercepted the vehicle and
recovered 270 litres of indian made foreign liquor kept in 30
cartons each with 12 bottles of 750 ml. Three persons, who
were inside the vehicle were intercepted and they disclosed his



name as owner of the vehicle. The contention of the petitioner is that he is not involved in any illegal trade of liquor. The three accused persons, who were apprehended had used the vehicle for carrying liquor without his permission. The petitioner has surrendered voluntarily and is languishing in jail since 16.10.2019.

Per contra, learned counsel appearing for the State submitted that the defence of the petitioner is unbelievable. Deliberately, he had not put the registration number on the vehicle and was using the vehicle for the purpose of illegal trade of prohibited liquor.

Regard being had to the totality of the circumstances, I am not inclined to grant bail to the petitioner for the present. The prayer for bail is rejected.

In case, the trial of the petitioner is not concluded within six months from the date of framing of charge, he would be at liberty to renew his prayer for bail before the court below itself.

(Ashwani Kumar Singh, J)

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