

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5884 of 2020**

Arising Out of PS. Case No.-31 Year-2018 Thana- JAMHOR District- Aurangabad

PAWAN KUMAR Son of Ram Karan Resident of Village - Kailana, P.S.-
Gannaur, District - Sonipat (Haryana).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukul Kumar, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is a resident of State of Haryana is seeking anticipatory bail in connection with Jamhore P.S. Case No. 31 of 2018, G.R. No. 337 of 2018 registered for the offences punishable under Sections 30(a) and 38(1) of Bihar Prohibition and Excise Act 2016 and Section 420 of the Indian Penal Code.

It is the stand of the petitioner that he had purchased vehicle in question from which illicit liquor have been recovered on 15.01.2017 from one Pradeep Kumar. Learned counsel submits that the petitioner had given this vehicle to his driver and without knowledge of the petitioner the driver seems



to have loaded foreign liquor on the vehicle.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that there is prima-facie material against the petitioner in terms of his own admission that he had purchased the vehicle on 15.01.2017 in the State of Haryana. Learned APP submits that it is difficult to believe that the petitioner who is a resident of Haryana could not be aware that his vehicle has gone outside the State and the purpose thereof. It is submitted that there being some prima-facie material in view of the bar contained under Section 76(2) of the Bihar Prohibition and Excise Act 2016 and the judgment of the Hon'ble Full Bench in the case of **Ram Binay Yadav vs. The State of Bihar** reported in **2019(2)PLJR 1089** the anticipatory bail application need not be entertained.

Having regard to the facts and circumstances of the case wherein, this Court has noticed that the petitioner himself admits that he had purchased vehicle in question on 15.01.2017 in Haryana, he is the owner of the vehicle and is resident of the State of Haryana, this Court at this stage finds it difficult to accept the submission that the vehicle was moving in the State of Bihar without his knowledge, there being some prima-facie material in the considered opinion of this Court the anticipatory



bail application on behalf of the petitioner cannot be entertained.

It is dismissed accordingly.

In case the petitioner surrenders and prays for regular bail in the court below within four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

