

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6422 of 2020**

Arising Out of PS. Case No.-114 Year-2019 Thana- GUTHANI District- Siwan

Sanjay Kumar, aged about 35 years, male, Son of Ganesh Prasad Sah
Resident of Village - Shivpuri, Ward No. 4, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwary, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 28-02-2020

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

2. The petitioner apprehends arrest in connection with
Guthani PS Case No. 114 of 2019 dated 21.07.2019 instituted
under Sections 30(a)/38(1)/41(1) of the Bihar Prohibition and
Excise Act, 2016.

3. The allegation against the petitioner is that from his
vehicle 140 cartons of illegal liquor containing 180 ml. bottle each,
totalling 1209.60 litres was found.

4. Learned counsel for the petitioner submitted that the
recovery was not from the conscious possession of the petitioner
as he was not caught on the vehicle and further that the driver and
khalasi of the vehicle, even if found to be in possession of such



liquor, was not with the permission or in the knowledge of the petitioner.

5. Learned APP submitted that the petitioner, being the owner of the vehicle, from which recovery has been made cannot feign ignorance or claim innocence.

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 anticipatory bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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