

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6825 of 2020

Arising Out of PS. Case No.-597 Year-2019 Thana- ISLAMPUR District- Nalanda

OM PRAKASH MALAKAR S/o Shiv Kumar Malakar @ Parmeshwar Malakar, R/o- Opo Kailash Ashram, Shiv Gali, Giriak Road, Rajgir, P.S.- Rajgir, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-08-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Islampur P.S.
Case No.597 of 2019 registered under Section 30(a) of the Bihar
Prohibition and Excise Act.

The informant got secret information that some wine was being loaded in a white Tavera vehicle from one tractor in Budha Nagar Mohalla. On such information, a raid was conducted and two persons, namely, Praveen Kumar and Chhotu Kumar were apprehended. Praveen Kumar and Chhotu Kumar disclosed that the loaded wine is of Shyam Kishore Choudhary and Tavera vehicle is of the petitioner. On search, 261 litres of Indian made foreign liquor was recovered from the tractor's tailer and 36 litres of liquor was recovered from Tavera vehicle.



Learned counsel for the petitioner submits that the petitioner handed over the vehicle to the driver for carrying passengers from one place to another but the driver of the vehicle parked the vehicle near tractor and loaded wine in his vehicle, but it appears that the apprehended accused disclosed the name of the petitioner as owner of the vehicle and from the vehicle of the petitioner, 36 litres of Indian made foreign liquor was recovered. There is nothing on record to show that the driver was present on the place of occurrence where the vehicle was parked and people were loading liquor in the vehicle of the petitioner.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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