

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8506 of 2020

Arising Out of PS. Case No.-515 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

Amzad Ali Son of Wahab Alam Resident of Village - Hamzapur, Mazar Marg,
P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-03-2020 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in Mohania PS Case No. 515 of 2019 registered under Sections 279, 337, 338, 427 IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016

The prosecution case is that one passengers bus travelling from Delhi to Hazaribagh has turned over on National Highway No. 2. On reaching the spot, the police found the driver absconding and from the locker above the driver's seat, liquor was stored. The bottles were seal broken. The passengers have informed the police that in spite of repeated warning to the driver he continued with rash and negligent driving which has resulted in the bus over turning on the highway. Several passengers have been injured in the accident.

Petitioner's Counsel submits that the recovery is from the bus wherein large number of passengers were travelling. The petitioner is merely driver of the vehicle and as such Bihar Prohibition and Excise Act is not made out.

Having regard to the nature of allegation against the petitioner of putting life of the bus passengers to danger, this court is



not inclined to grant the privilege of anticipatory bail to the petitioner. He would be at liberty to surrender in the court below and pray for regular bail.

This application is dismissed.

(Madhuresh Prasad, J)

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