

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13232 of 2020

Arising Out of PS Case No - 04 Year-2020 Thana- DELHA District- Gaya

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Vicky Saw @ Vicky Kumar (aged about 22 years, Gender-Male), Son of
Ishwari Shah @ Ishwar Saw @ Guard Babu, Resident of Village - Nauranga,
P.S.- Moffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the State : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Mukul Jee, learned counsel for the petitioner and Mr. Arun Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Delha PS Case No. 04 of 2010 dated 06.01.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').



4. The allegation against the petitioner is that he, along with co-accused Dilip Thathera, who was caught by the police at the site and from whom huge amount of liquor was recovered, was indulging in the business of liquor after bringing the same from the State of Jharkhand.

5. Learned counsel for the petitioner submitted that except for the confessional statement of co-accused Dilip Thathera, there is no other evidence against him and nothing has been recovered from his possession or house. It was submitted that the petitioner also has no connection with the co-accused who has taken his name.

6. Learned APP, from the case diary, submitted that the co-accused who has been caught and from whose house huge amount of liquor was recovered has clearly stated that he along with the petitioner, was running the business of illicit liquor after bringing the same from the State of Jharkhand. It was submitted that the petitioner is accused in two other cases of similar nature the years 2018 and 2019, which indicates that he is a habitual offender repeatedly committing acts prohibited under the Act.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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