

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16110 of 2020**

Arising Out of PS. Case No.-418 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Najir @ Najeer @ Najeer Khan Son of Sulekhan @ Sul Khan Resident of
Village- Givan Gadh, Gali No. 7, P.S.- Koarsi, District- Aligadh (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajiv Ranjan, Advocate

For the Opposite Party : Mr. Mritunjay Kumar Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 13-05-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Motipur P.S. Case No. 418 of 2019 registered under Sections 419, 420/34 of the Indian Penal Code and 30(a) and 41(1)(2) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police intercepted one Tata 407 vehicle bearing UP registration number at Nariyar Nawada NH-28 and, on search, recovered 1866.90 litres of illicit foreign liquor. The petitioner was driving the said Tata 407 vehicle.

The contention of the learned counsel for the



petitioner is that the petitioner being a driver, had no special knowledge of the contents in the cartons which were loaded on the vehicle. He contended that the petitioner has got no criminal antecedent and is in custody since 23.09.2019.

Per contra, learned counsel appearing for the State submitted that the recoveries were made from conscious and exclusive possession of the petitioner. He contended that consumption, manufacture, storage, trade, transportation and sale of liquor are prohibited in the State of Bihar under the Bihar Prohibition and Excise Act, 2016.

Regard being had to the submissions made on behalf of the parties and the alleged recovery of huge quantity of liquor from the vehicle being driven by the petitioner, I am not inclined to grant him bail. The prayer for bail is rejected.

(Ashwani Kumar Singh, J)

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