

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17451 of 2020

Arising Out of PS. Case No.-831 Year-2018 Thana- DEHRI TOWN District- Rohtas

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Vikash Kumar, aged about 24 years, Gender: Male, S/o Ram Ashish Singh,
Resident of Village- Narsingh Bigha, Dahaur, P.S.- Dehri (N), Distt- Rohtas.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 13-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in jail in connection with Dehri (Nagar) P.S. Case No.831 of 2018 dated 21.09.2018 instituted under Sections 30(a), 38(i)(ii), 41(i)(ii), 31 and 47 of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that from the truck owned by the petitioner 4948.2 litres of foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that seizure has been made on 21.09.2019, but the vehicle was stolen



on that day for which he informed the local police station, though First Information Report (hereinafter referred to as 'FIR') has been lodged after two days. It was further submitted that the petitioner has no connection with the recovery and has been falsely implicated and is in custody since 25.01.2020. It was further submitted that all the other co-accused have been granted bail by the Court below itself.

6. Mr. Jharkhandi Upadhyay, learned APP submitted that story of the vehicle being stolen on the same day is only to create a defense as no FIR was lodged on that day and further, from the place where the truck was caught, the motorcycle of the petitioner has also been recovered, which clearly shows that the petitioner was present at the spot as there is no allegation of his motorcycle being also stolen. It was further submitted that the petitioner is the owner of the truck from which recovery was made and, thus, his case is different from other co-accused as there is direct connection of the petitioner with the truck.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

