

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27786 of 2020

Arising Out of PS. Case No.-162 Year-2019 Thana- GAIGHAT District- Muzaffarpur

SURESH DAHIYA, Son of Jawalaram Resident of Village - House No. 156/A, Garhi Sisana, Police Station - Kharkhoda, District - Sonapat, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Advocate.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-11-2020 This matter has been taken up in virtual court.

Let the defects be removed within two weeks of the start of the physical Court.

Heard the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 272/273/120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Petitioner is owner of the truck from which huge quantity of liquor was recovered. Petitioner has stated on oath that he has got no criminal antecedent.

Annexure-2 is an affidavit sworn by the petitioner stating the fact that he had lent the truck to Mr. Pramod. There is no agreement between the petitioner and Pramod whose LTI is



there on the said affidavit.

Considering the presumption of law under Section 32 of the Bihar Prohibition and Excise Act as well as bar of prayer for anticipatory bail under Section 76(2) of the said Act, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Gaighat P.S. Case No. 162 of 2019.

Hence, prayer for bail is refused.

In the event of surrender of the petitioner, prayer for regular bail shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

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