

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28592 of 2020**

Arising Out of PS. Case No.-267 Year-2019 Thana- PHULWARIYA District- Gopalganj

Dilip Kumar @ Dileep Kumar, Son of Nanhu Sah, Resident of Village-
Jalpurwa, P.S.- Barauli, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday
Pratap Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Phulwariya P.S. Case No. 267 of 2019, Gr.
No. 1555 of 2019 registered for the offences punishable under
Sections 30(a), 32 (ii) and 41 (1) of Bihar Prohibition and
Excise Act, 2018.

Learned counsel for the petitioner submits that the
informant on secret information chased the Scorpio vehicle
which was left by the driver in start position and he managed to



escape taking advantage of darkness. On being searched, 250.200 litres of illicit liquours were recovered from the vehicle bearing registration no. BR 29PA-4174.

Learned counsel submits that petitioner is innocent and has falsely been implicated in this case as owner of the vehicle in question. It is submitted that the petitioner's co-villager came and taken away the vehicle in question for the treatment of his wife and on the next day he came to know about the seizure of the vehicle.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner is the owner of the Scorpio vehicle which is a private vehicle and from the said vehicle 250.200 litres of illicit liquor have been recovered and the petitioner being unable to disclose as to who is that co-villager who had taken the vehicle from him, in the nature of the vague plea taken by the petitioner, there being some materials on the record to connect the petitioner in the present case, in view of the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 and taking into consideration the judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav Vs.**



The State of Bihar reported in **2019(2) PLJR 1089**, I am not inclined to grant privilege of anticipatory bail to the petitioner. Prayer is refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

Application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

