

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25621 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- BAHERA District- Darbhanga

KAMLESH MUKHIYA S/o Laxman Mukhiya Resident of Village-Velaun,
P.S.-Bahera, District-Darbhangha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Aprajita

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-10-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Bahera P.S.
Case No.34 of 2020 registered under Section 30(a) of Bihar
Prohibition and Excise Act.

The informant namely, Sunil Kumar, S.H.O. of
Bahera P.S. received secret information that Santosh Mishra and
others concealed huge quantity of liquor near the fields of
Pawan Choudhary situated near Makrampur. The police went
there for verification of the information and arrested two
persons namely Dilip Mukhiya and Misri Mukhiya while
Santosh Mishra and others fled away. 783 litres of illicit liquor
was recovered. 1683 litres liquor was seized from the field.

The learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. During the course of



investigation, one of the accused disclosed the name of the petitioner but the name of the petitioner surfaced in the case as the owner of the tractor from which huge quantity of liquor was recovered. It is submitted that petitioner had given his tractor to Ranjit Jha for agriculture purpose but it was he who was transporting liquor on his tractor. It appears that there is no record to show that Ranjit Jha had hired the tractor of the petitioner for agriculture purpose. From the tractor of the petitioner, huge quantity of liquor was recovered.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

