

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83356 of 2019

Arising Out of PS. Case No.-281 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

ARUN KUMAR GUPTA, aged about 38 years, Male, Son of Panna Lal Gupta, Resident of Village - Jahanabad (Kudra), P.S.- Kudra, District - Kaimur at Bhabua ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 09-06-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state thorough video conferencing.

The petitioner seeks pre-arrest bail in connection with Durgawati P.S. Case No. 281 of 2018, registered under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on 01.08.2018, the informant received information about dashing of a vehicle on National High Way 2 in Durgawati Market by Tata Sumo Victa bearing registration no. BR-45P-0113 and moving of the driver of the said vehicle from there seeing the gathering of the public. The informant and other police personnel reached there, then, saw the said vehicle lying on National High Way 2, which was slightly damaged. On search of the said vehicle, 350 tetra pack, each containing 180 ml recovered from the vehicle.



Submission is that while the petitioner is the owner of the seized vehicle, from which the alleged liquor is said to be recovered, but, at that time, on the day of occurrence, vehicle of the petitioner was taken by his nephew, Santosh Kumar, and the petitioner had no knowledge about keeping the liquor by his nephew.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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