

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76584 of 2019**

Arising Out of PS. Case No.-76 Year-2019 Thana- SAUR BAZAR District-
Saharsa

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Sonu Kumar, aged about 45 years, male, son of Baijanath Prasad Sah @
Baijnath Sah, resident of Mohalla-- Bhartiya Nagar, Ward No. 26, P.S. +
District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 12-05-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 17.09.2019 in connection with Special Case No. 131 of 2019, arising out of Saur Bazar P.S. Case No. 76 of 2019 for the offences alleged under Sections 30(a), 38(1), 41(1) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of 1800 litres of Jharkhand made liquor from pick-van bearing Registration No. BR-19GA-7422. The petitioner was not arrested from the spot rather his name has surfaced merely because he happens to be the owner of the pick-up van in question.



4. Learned APP appears and opposes the bail petition, submitting that the petitioner is the owner of the pick-up van from which a huge quantity of 1800 litres of illegal wine has been recovered. The petitioner has one prior antecedent having been made accused in Saharsa Sadar P.S. Case No. 847 of 2017 under the Act, a fact which he sought to suppress before the learned Special Judge, Saharsa as evident on perusal of his order dated 01.10.2019. It further appears from the said order that the seized vehicle was being used with a fake registration number.

5. Having heard the parties and on consideration of the materials on record and more particularly that the petitioner is the owner of the seized vehicle which was being used under false registration number, as well as the petitioner's antecedents, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

6. The petitioner shall be at liberty to renew his prayer for bail after completing one year in custody.

(Vikash Jain, J)

Ibrar/HR-

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