

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81207 of 2019**

Arising Out of PS. Case No.-467 Year-2019 Thana- BRAHMPUR District- Buxar

Ram Babu Verma, S/o Gaurishankar Verma R/o Vill.- Nidhariya, P.S.- Ballia,
Dist- Ballia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

8 17-12-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Brahampur (Krishnabrahm) P.S. Case No. 467 of 2019 registered under Sections 30(a) of the Bihar Excise Act, pending in the court of 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Buxar.

The accusation is that on receiving secret information about carrying the illicit liquor by Rajesh Upadhyay, Manoj Upadhyay, both sons of Dinanath Upadhyay and Jhunna Upadhyay, son of Nathuni Upadhyay of village Ariyao, the informant along with other police personnel reached there on 20.10.2019, at about 1.30 A.M. and started checking



the vehicles then in the meantime, one Scorpio vehicle was seen coming from Dumrao side. While signal was given to stop the vehicle but the driver of the vehicle accelerated the vehicle, in which, three persons were found sitting, but on chased, they succeeded to flee away leaving the Scorpio vehicle. The local *Dafadar* and *Choukidar* identified them as Manoj Upadhyay, Rajesh Upadhyay and Jhunna Upadhyay in the light of torch. On search, several bottles of Indian made foreign liquor in the volumn of 774.54 litres recovered from the Scorpio vehicle bearing registration no. UP60AC-3033.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot rather his name has surfaced being the owner of the seized Scorpio vehicle bearing registration no. UP60AC-3033. Further submission is that petitioner is the Bank employee and at the time of occurrence, seized vehicle, belonging to the petitioner, was driven by the driver and he had no knowledge about carrying the seized illicit liquor in his vehicle.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands



rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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