

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.456 of 2020

Arising Out of PS. Case No.-103 Year-2019 Thana- BALRAMPUR District- Katihar

SUSHIL KUMAR @ SUSHIL KUMAR DAS Son of Kamal Narayan Yadav
Resident of Ward No. 09, Lohiya Nagar, Nagar Parishad Police Station and
District – Supaul ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Sanjeev Verma, Advocate

For the Opposite Party : Mr.Ajay Kumar No. 2, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-02-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends arrest in a case registered for
offence under section 30a of the Bihar Prohibition and Excise
Act, 2016 on the allegation of recovery of 175.32 liters of
foreign liquor from his Scorpio vehicle.

Defence of the petitioner is that, though he is the
owner of the vehicle having commercial registration, at the
relevant time he was staying at his house at Supaul, whereas his
vehicle has been seized in Katihar. He submits that the said
vehicle had been given to co-accused Sunil Kumar as a driver,
and he is no way concerned with the recovery of liquor.

Learned counsel for the State submits that the
petitioner is the owner of the vehicle from which a large
quantity of foreign liquor has been recovered, as such, in view
of Full bench decision of this Court in the case of **Ram Vinay**



Yadav Vs. State of Bihar, reported in 2019(2) PLJR 1089,
petitioner's pre-arrest bail petition is not maintainable.

In view of the submission of the State counsel, prayer
for bail of the petitioner is refused with direction to surrender
and seek regular bail which would be considered on its own
merit without prejudice.

(Prabhat Kumar Singh, J)

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