

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27710 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

RAJ KUMAR GHOSH Son of Ram Keval Ghosh @ Kebal Ghosh @ Ram
Kebal Ghosh Resident of Village- Bhimram, Naxalbari, P.S.- Naxalbari,
District- Darjeeling (W.B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-12-2021 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four
weeks after complete start of the physical Court.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 30(a), 35,
36 and 41 of the Bihar Prohibition and Excise Act, 2016.

From the four wheeler of the petitioner, liquor was
recovered.

Submission is that the petitioner was not there at the
time of recovery nor the petitioner has got any criminal
antecedent. The said vehicle was private vehicle.

Considering the presumption under Section 32 of the
Bihar Prohibition and Excise Act, 2016 and consequent bar of
prayer for anticipatory bail under Section 76(2) of the said Act, I



am not inclined to enlarge the petitioner on anticipatory bail in connection with Kochadhaman P.S. Case No. 09 of 2021 giving rise of Special Case No. 13 of 2021 pending in the Court of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Kishanganj/successor Court.

Accordingly, prayer for anticipatory bail is refused.

Petitioner is directed to surrender within a period of two weeks and pray for regular bail.

(Birendra Kumar, J)

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