

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31723 of 2020

Arising Out of PS. Case No.-155 Year-2020 Thana- BHAWANIPUR District- Purnia

Rajiv Kumar @ Rajiv Sah, aged about 43 years (male), son of Dhoray Sah,
R/o Near Sarvoday Ashram, Bhawanipur, P.S.- Bhawanipur, District - Purnia.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the State : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and Ms. Veena Kumari Jaiswal, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bhawanipur PS Case No.155 of 2020 dated 27.07.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner is that from his Scorpio vehicle 93.750 litres of liquor was recovered.

5. Learned APP raised a preliminary objection with regard to the maintainability of the application. She submitted



that in view of bar of section 76(2) of the Act, the present application is not maintainable as the offence under the Act is made out, inasmuch as, admittedly, the vehicle from which recovery has been made is owned by the petitioner.

6. Having considered the matter, the Court finds substance in the objection of the learned APP. As the vehicle from which recovery is alleged to have been made is owned by the petitioner, *prima facie*, an offence is made out under the Act and, thus, the present application for grant of pre-arrest bail would not be maintainable.

7. In view thereof, the application stands disposed of as not maintainable.

(Ahsanuddin Amanullah, J)

Anjani/-

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