

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37771 of 2020

Arising Out of PS. Case No.-933 Year-2019 Thana- DANAPUR District- Patna

Rohit Kumar Son Of Ramlakhan Singh R/O Tarachak, P.S. - Danapur, District
- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Ghanshyam Tiwary, Advocate
For the State : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-10-2021 Heard the parties.

The petitioner apprehends his arrest in connection with Special Case No.11049 of 2019 arising out of Danapur P.S. Case No. 933 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Huge quantity of liquor was recovered from the car of the petitioner which was being driven by the driver Sonu Kumar.

Learned counsel for the petitioner submits that the petitioner has given his car to driver Sonu Kumar and he is not the owner of the liquor. It is the contention of the petitioner that car is being run at the instance of the driver.

Prima facie case is made out against the petitioner who is the owner of the car and recovery of liquor was made



from the car which cannot be used by the driver without permission of the owner.

In the circumstances, the application for anticipatory bail is not maintainable in view of the judgment of the Full Bench of this Court in the case of *Ram Binay Yadav Vs. The State of Bihar* reported in [2019(2) PLJR 1089 (Full Bench)]. This application is dismissed as not maintainable.

(Sandeep Kumar, J)

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