

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60217 of 2021**

Arising Out of PS. Case No.-278 Year-2021 Thana- BAGHA District- West Champaran

AWADESH KUMAR RAM @ AVADESH KUMAR Son of Videshi Ram
Resident of Village- Ahirani Tola, P.S.- Bagha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 26-10-2021 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

The petitioner apprehends his arrest for the offences alleged under Section 30(a) of the Bihar Prohibition and Excise Act 2016, and Section 414 of the Indian Penal Code, registered in connection with Bagaha P..S.Case No.278 of 2021.

Learned counsel for the petitioner has submitted that the petitioner is B.A. Part-II student. He has annexed the admit card, which shows that that his examination will begin from 5th October, 2021 and end on 30th October, 2021.

In view of aforesaid submission, this case is being heard on priority basis from the consolidated list.



Sub-Inspector of Police Dinesh Singh, who is the informant of the case, had got confidential information that smugglers were carrying illicit liquor by a motor-cycle from Jitpur to Kumhiya Bishanpurwa Road. The informant went at the road and started waiting for the smugglers. Meanwhile, he saw two motor-cycles. Two persons were on one motor-cycle and one person was on one motor-cycle. The police stopped the motor-cycle and two persons were arrested, but one person who was riding on other motor-cycle fled away leaving there his motor-cycle. Twenty litres of liquor was recovered from the first motor-cycle while from the second motor-cycle the same quantity of the liquor was also recovered. The seizure list was prepared in presence of independent witnesses. The arrested accused persons disclosed the name of the present petitioner, who succeeded in fleeing away.

Learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner was not arrested at the spot and his name figured only on the basis of the statement of the person who was arrested at the spot. He has submitted further that the reason for false implication of the petitioner was a dispute regarding some quarrel between the father of the petitioner and the arrested accused Dipak Baitha.



The case has been registered under the provisions of the Bihar Prohibition and Excise Act, 2016. The allegation against the petitioner is that he was carrying illicit liquor by a motor-cycle and his name has figured in the statement of co-accused. As such, in the present case, *prima facie*, the provisions of the said Act are applicable and as per Section 76(2), the anticipatory bail application is not maintainable.

The application is accordingly dismissed.

Office shall ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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