

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12635 of 2021**

Arising Out of PS. Case No.-382 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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SABHAJEET Son of Daya Ram Resident of Village/Mohalla-Kothawar,
Aurahi, P.S.-Kotwali, District-Jaunpur, State-Uttar Pradesh.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey

For the Opposite Party/s : Mr.Rajeev Nayan (App)

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 14-02-2022 Heard both the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Gaya Excise P.S. Case No.382 of 2020 instituted for the offences under Sections 30(a) and 56(b) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and his vehicle is used for the purpose of carrying vegetable in the business of wholesale business of vegetable. However, his vehicle was brought by the driver in Bihar and foreign liquor was seized. The petitioner does not have any criminal antecedent and the FIR has been registered on the basis of seizure of the liquor from his vehicle.

As per section 32(3) of the Bihar Prohibition and



Excise Act, 2016, it is provided that the owner of the vehicle would be involved in the crime, in absence of satisfactory explanation, presumption will be drawn that the accused persons committing the occurrence. Thus, the petitioner who is owner of the vehicle cannot be said to be prima facie not guilty of the offence, accordingly the bail application of the petitioner is dismissed. However, the petitioner would be free to move regular bail application.

(Sanjeev Prakash Sharma, J)

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