

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11398 of 2022**

Arising Out of PS. Case No.-431 Year-2021 Thana- KORHA District- Katihar

NIRAJ KUMAR Son of Rampukar Mahto Resident of Village- Kalyanpur
Basti,Purab, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mrs.Meena Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 08-07-2022 Heard learned counsel for the parties through video conferencing.

The petitioner apprehends his arrest in a case registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

1089 liters of foreign liquor has been recovered from a pick-up van, of which, this petitioner is registered owner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner and petitioner has been made accused only due to the fact that he is registered owner of the vehicle in question. It is further submitted that without his knowledge or consent, the driver was using the vehicle in question for transporting illicit liquor. Petitioner has no criminal antecedent.



However, learned A.P.P. for the State opposed the prayer for bail and submitted that huge quantity of illicit liquor has been recovered from the pick-up van, of which, this petitioner is registered owner and he cannot escape from his liability.

Considering the fact that recovery has been made from the pick-up van, of which, this petitioner is registered owner, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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