

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20589 of 2022

Arising Out of PS. Case No.-77 Year-2020 Thana- UPHARA District- Aurangabad

Samru Kumar Son Of Munni Yadav R/O- Village- Karuna, P.S.- Rafiganj,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner apprehends his arrest in Uphara P.S.
Case No. 77 of 2020, registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

8 litres of country liquor has been recovered from the
motorcycle of this petitioner.

It is submitted that petitioner has been made accused
in this case only because he is registered owner of the vehicle in
question. At the relevant time, the motorcycle was being driven
by co-accused Niranjan Kumar and without his consent and
knowledge the same was being used by co-accused Niranjan
Kumar for carrying illicit liquor. Nothing has been recovered
from conscious possession of this petitioner. Petitioner has got



clean antecedent, as stated in para 3 of the petition.

Counsel for the State vehemently opposed the bail application and submitted that recovery has been made from the motorcycle of petitioner.

Considering the fact that recovery has been made from the motorcycle of this petitioner, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected in view of the provision 76(2) of the Bihar Prohibition and Excise Act.

(Prabhat Kumar Singh, J)

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