

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21664 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

=====

SUSHIL KUMAR YADAV Son of Shree Lakshman Yadav Resident of
Village - Rajapur K Tola, P.S.- Ekma , Distt.- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar
For the Opposite Party/s : Mr.Akshay Lal Pandit

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for
the offence punishable under Section 30a of the Bihar
Prohibition and Excise Act.

As per the prosecution case, 4.750 liters country made
liquor was recovered from the motorcycle of which petitioner
was the registered owner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. No incriminating material has been recovered from
the conscious possession of the petitioner and he is no way
connected with the aforesaid recovery. Petitioner has got no
criminal antecedent.



Learned counsel for the State submits that as there is recovery of illegal alcohol from the motorcycle of which petitioner was the registered owner, his prayer for pre-arrest bail is not maintainable in view of section 76(2) of the Bihar Prohibition and Excise Act.

Considering the aforesaid facts, prayer for bail of the petitioner is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without being prejudiced by this order.

(Prabhat Kumar Singh, J)

shashi/-

U		T	
---	--	---	--

