

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32074 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- MADANPUR District- Aurangabad

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SANJAY KUMAR S/o Ganesh Yadav Resident of Village- Chand Bigha, P.S.-
Rafiganj, Dist- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-09-2022 Heard learned counsel for the parties through video conferencing.

The petitioner apprehends his arrest in a case registered for the offence under Sections 30(a), 33, 37(b), 37(c) of the Bihar Prohibition & Excise Act.

15 liters of country-made *Mahua* liquor has been recovered from a Tempo, of which, this petitioner is registered owner.

It is submitted on behalf of petitioner that alleged Tempo has already been sold by this petitioner much prior to the alleged incident. Nothing has been recovered from the possession of this petitioner and has got no concern with the alleged recovery.

However, learned A.P.P. for the State vehemently



opposed the prayer for bail and submitted that petitioner has not brought on record Transfer Certificate of said Tempo issued by the District Transport Officer and merely on the basis of copy of agreement, the plea of the petitioner cannot be accepted.

Fact remains that petitioner is registered owner of the Tempo, from which, illicit liquor has been recovered.

Considering the same, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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