

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37305 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- KANTI District- Muzaffarpur

Dilip Biswas Son Of Late Haran Biswas Resident Of Village- Kuthi Para Ps-
Hansa Khali, Dist- Nadia State- West Bengal

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Kanti P.S. Case no. 98 of 2022 instituted for the offence punishable under Section 30(a), 32(i)(ii), 36, 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 2700 litres illicit country made foreign from a truck bearing Reg. No. WB-51C-3948 which belongs to the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. It is further submitted that the petitioner is the owner of the said



vehicle but he has no concern with the alleged recovery of illicit liquor and his vehicle was in commercial use at the time of occurrence. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and the petitioner is the registered owner of the said vehicle bearing Reg. No. WB-51C-3948.

Having heard learned counsel for the parties and taking into consideration that the alleged truck belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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