

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.68351 of 2021**

Arising Out of PS. Case No.-64 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Dharampal Singh Son of Bhola Ram Resident of Village - Rindhana, P.S.-  
Barauda and District - Sonipat, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Virendra Kumar  
For the Opposite Party/s : Mr.Nand Kumar

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

2      25-05-2022                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner apprehends his arrest in Mahindwara P.S. Case No. 64 of 2019, registered for the offence punishable under Sections 30(a)(b)(c)(f), 37 and 41 of the Bihar Prohibition and Excise Act, 2016 and sections 25(1-b)a, 27 and 35 of the Arms Act.

3526.200 litres of foreign liquor has been recovered from a truck of which this petitioner is registered owner.

It is submitted that petitioner has falsely been implicated in this case. Nothing has been recovered from conscious possession of this petitioner and without his knowledge his truck was being used for transportation of illicit liquor. 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 truck of which this petitioner is owner and petitioner cannot escape from the responsibility by saying that without his knowledge and consent his truck was being used by the driver for carrying illicit liquor.

Considering the nature of allegation and quantity of recovery, 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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