

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36481 of 2023

Arising Out of PS. Case No.-149 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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Arun Kumar @ Arun Yadav S/O Suresh Yadav R/O Village- Baisa, P.S-
Parbatta Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dipak Kumar

For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 31-07-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Excise Case No. 149C2/19, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

3. As per allegation, from a pickup van, total 270
litres of Indian Made Foreign Liquor were recovered. The
petitioner is alleged to be the owner of the alleged vehicle.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated. He further
submits that the petitioner is the owner of the alleged vehicle



and he had no knowledge about the illicit liquor being carried in the alleged vehicle. It is the driver who was carrying the illicit liquor in the alleged vehicle. He further submits that the petitioner was not arrested from the spot and his name has transpired in the confessional statement of the driver. Hence, no *prima facie* case under the Bihar Prohibition and Excise Act is made out against the petitioner and the present anticipatory bail application is maintainable and the petitioner deserves to be enlarged on anticipatory bail.

5. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for anticipatory bail and submits that the petitioner is the owner of the alleged vehicle from which, illicit liquor has been recovered. Hence, being the owner of the alleged vehicle, the petitioner is presumed to be aware of the illegal activity being committed by his vehicle. Hence, *prima facie*, case under the Bihar Prohibition and Excise Act is made out against him and the anticipatory bail petition is not maintainable.

6. Considering the aforesaid facts and circumstances, *prima facie* case under the Bihar Prohibition and Excise Act is made out against the petitioner, hence the present anticipatory bail application is not maintainable.



7. Accordingly, the present anticipatory bail application is dismissed as not maintainable.

(Jitendra Kumar, J)

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