

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36935 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- GOPALPUR District- Patna

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Ravindra Kumar S/O Late Kishun Prasad, R/O Vill.- Alwalpur, P.O.- Punpun,
P.S.- Punpun, Distt.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Murari, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the allegation, the petitioner is not named in the F.I.R. but the vehicle from which recovery of wine was made is in the name of petitioner.

4. Learned counsel for the petitioner submits that the vehicle of the petitioner has been taken by his known person and he is completely unaware that they shall use vehicle for commission of such crime. Counsel further submits that petitioner is innocent and has committed no offence. Counsel further submits that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that though petitioner's name is not there in the F.I.R. but the vehicle from which recovery of wine was made is in the name of petitioner, therefore, offence has been constituted against the petitioner.

6. In the present facts and circumstances and particularly in the light of Section 76 (2) of Bihar Prohibition and Excise Act, 2016, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Gopalpur P.S. Case No.157 of 2023 to the satisfaction of learned Special Judge, Excise, Patna.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of four weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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