

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67671 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Kumar Kunal Son Of Ashwini Kumar Sinha Resident Of Village-
Karpurigram Ward No. 05, PS- Karpurigram, Distt- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Musarigharari P.S. Case No. 105 of 2023 registered for the offences punishable under Sections 30(a), 32 and 36 of the Bihar Prohibition and Excise (Amendment) Act. He has got no criminal antecedent.

3. From the F.I.R. it appears that about 7192.800 litres of Indian made foreign liquor were being unloaded from a truck and the police party was informed about it. It is alleged that when the police party reached at the spot at 2:50 am, in the light of the police car some people started fleeing away who were chased and the local *Chowkidar* disclosed the name of the persons, one of whom is this petitioner. The search was made in

presence of two independent witnesses and the liquors were seized.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner was not apprehended at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. It is, however, admitted that the petitioner is the owner of Tata vehicle which is a commercial vehicle.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is pointed out to this Court that in the present case, the petitioner admits that he is owner of the Tata vehicle which is commercial one but the petitioner nowhere comes out with a plea that the vehicle was in possession of someone else or that he had given the vehicle to any transporter or driver and their being no such plea, the vehicle being in possession of the petitioner, in case of such huge quantity of illicit liquor being seized from the said vehicle, the petitioner does not deserve privilege of anticipatory bail.

6. This Court has heard learned counsel for the petitioner and has also gone through the anticipatory bail application, even in course of hearing it is not the submission of

the petitioner that the vehicle was in possession of someone else, therefore their being direct material to connect the petitioner with the seizure of the huge quantity of liquor from the vehicle which he owns, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer is refused.

7. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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