

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66341 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- MOTIPUR District- Muzaffarpur

Ganpat S/O Late Hema Ram Village- Kitnoriya Kalu Ki Beri, Ps- Dhanau,
Distt- Barmer (RAJASTHAN)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Motipur P.S. Case No. 242 of 2023 lodged under Sections 420,
467, 478, 471, 414, 120B of the I.P.C. read with Section 30(a),
31, 32(i) (ii), 36/41 (i) (ii) of Bihar Prohibition and Excise Act,
2016.

3. As per the prosecution case, the total recovery of
5283.720 liter of foreign liquor has alleged to be made, which is
subject matter of the present case.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that petitioner has been apprehended from the place of
occurrence. He submits that petitioner is in custody since

30.07.2023 having clean antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that prohibited huge quantity excise material has been recovered from the container. Counsel submits that it is a case not only excise act rather it is a case under other provisions of Indian Penal Code in which the said apprehended persons have disclosed that electric materials are present in the container. It has also submitted that he has shown fake E-way Bill and as such, both Excise Act as well as the provisions of I.P.C. have been added.

6. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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