

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36925 of 2024

Arising Out of PS. Case No.-625 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Ramjan Ali @ Ramjan Alam @ Shahil Alam Son of Bachcha Miya R/O
Village- Salempur, P.S.- Bishambharpur Distt.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

As per allegation in the FIR, informant along with other police personnel apprehended one driver along-with other persons who came from a Scorpio vehicle bearing registration no. BR-01PJ-1468 and thereafter during course of search total 690.48 liter foreign liquor has been recovered.

Learned counsel for the petitioner has submitted that he has falsely been implicated in this case and nothing has been recovered from the conscious possession of the petitioner. He



next submits that similarly situated co-accused has already been granted regular bail by this Court.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioner. He next submits that if anticipatory bail is granted to the petitioner, then it will affect the investigation. Further he submits that petitioner cannot be granted anticipatory bail in accordance with Section 76 (2) of the Bihar Prohibition and Excise Act, 2016.

On perusal of the first information report as well as impugned order dated 13.03.2024, it appears that the petitioner is named in the FIR and large quantity of liquor has been recovered from the said Scorpio vehicle bearing registration no. BR-01PJ-1468 and investigation is at initial stage, moreover anticipatory bail is not maintainable as per provision as laid down under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, so considering all aspects of the matter, I am not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

U		T	
---	--	---	--

