

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38628 of 2024

Arising Out of PS. Case No.-602 Year-2023 Thana- DARIYAPUR District- Saran

Vijay Kumar Son of Sri Bhola Mahto Resident of Village- Barkurwa, Turki,
P.S- Turki, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 602 of 2023 registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of 518.4 liters foreign liquor from Bolero vehicle in question.

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and during course of investigation, his name has been surfaced in this case as the owner of Bolero vehicle in question. He further submits that petitioner is quite innocent and has committed no offence as alleged in the first information report and he has been falsely



implicated in this case. Learned counsel further submits that petitioner is not in any way connected with the alleged occurrence and he has no connivance with any of the co-accused persons to supply said liquor from Bolero vehicle in question. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is alleged recovery of 518.4 liters of foreign liquor from the Bolero vehicle in question and petitioner being owner of the said vehicle cannot escape from the liability of such a huge amount of recovery from his vehicle.

6. Considering the facts and circumstances of the case and the recovery of huge amount of 518.4 liters of foreign liquor from the vehicle in question and petitioner being the owner of said vehicle cannot escape from the liability of such recovery, I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of petitioner is hereby rejected.

7. However, in case petitioner surrenders before the concerned court within six weeks from the date of receipt of



the order and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by the order of this court.

(Alok Kumar Pandey, J)

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