

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38624 of 2024

Arising Out of PS. Case No.-2038 Year-2023 Thana- Excise P.S. District- Gaya

Vinay Kumar SON OF NAGESHWAR YADAV Resident of Village-
Pachrukhiya, P.S. Raushanganj, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Excise P.S. Case No. 2038 of 2023 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, the co-accused has been apprehended on the spot and 80 liters of illicit liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the first information report. He is not named in the F.I.R. and his name has surfaced in this case as the owner of the vehicle in question. It is submitted that petitioner had given

vehicle in question to the co-accused on friendly term. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. There is recovery of huge amount of illicit liquor from the vehicle in question which belongs to the petitioner.

6. Considering the facts and circumstances of the case and there is recovery of 80 liters of illicit liquor from the motorcycle in question which belongs to the petitioner and there is no reasonable justification for said recovery from said vehicle, I am not inclined to grant anticipatory bail to the petitioner. His prayer for anticipatory bail is, accordingly, rejected.

(Alok Kumar Pandey, J)

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