

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40616 of 2024

Arising Out of PS. Case No.-151 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Mahendra Mehta, (M) aged about 38 years, S/O Laxman Mehta R/o Vill- Nadia, P.S.-Husainabad, Dist-Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 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) and 32(3) of the Excise Act.

As per allegation in the FIR, total 142 liters of illicit liquor was recovered from a Hyundai i20 car bearing registration no.JH-01AC-2475 and petitioner is the owner of the said vehicle.

Learned counsel for the petitioner has submitted that he has falsely been implicated in this case and nothing has been recovered from the possession of the petitioner. He next submits that petitioner was not present at the spot nor driving the



vehicle. Petitioner has got clean antecedent as stated in para-3 of the petition.

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 and the 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 04.05.2024, it appears that the said liquor was recovered from a Scorpio vehicle and he is the owner of the said Hyundai i20 car bearing registration no.JH-01AC-2475 and investigation is at an initial stage, moreover anticipatory bail is not maintainable as per provision 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/-

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