

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42211 of 2024**

Arising Out of PS. Case No.-478 Year-2023 Thana- JAYNAGAR District- Madhubani

DEEPAK PASWAN SON OF SHREESATH PASWAN VILLAGE-
RAJANPURA, P.S.- ANDAHRATHARI, DISTT.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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

ORAL ORDER

4 29-11-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends arrest in
connection with Jaynagar P.S. Case No.478 of 2023 registered
for the offence under Sections 272, 273, 414/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per FIR, there is recovery of 216 litres of
illicit from the motorcycle of the petitioner bearing Chasis No.
MBLJA5050JGB03777.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case, where, he is not named in the FIR. It is submitted that admittedly petitioner is owner of alleged motorcycle from where recovery of illicit liquor has been made. It is also submitted that nothing has been recovered from conscious physical possession of this petitioner and the said motorcycle was not driven by him rather was driven by some other person and petitioner has no concern with the alleged recovery. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioner and submitted that anticipatory bail is barred by the provision of Section 76(2) of the Bihar Prohibition and Excise Act.

6. In view of the submissions, as made above, as the recovery of illicit liquor has been made from motorcycle of the petitioner and as Section 76(2) of the Bihar Prohibition and Excise Act prohibits to grant the bail the petitioner, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the prayer of bail of the petitioner is rejected herewith.

(Ramesh Chand Malviya, J)

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