

Arising Out of PS. Case No.-1093 Year-2023 Thana- SONEPUR District- Saran

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Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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

ORAL ORDER

3 29-11-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends arrest in connection with Sonpur P.S. Case No.1093 of 2023 registered for the offence under Sections 188, 420, 120(B) and 34 of the Indian Penal Code and Sections 30(a), 32, 36 and 47 of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 696.81 litres of illicit liquor from a truck bearing no. UP64H3768 belongs to the present petitioner.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that admittedly the petitioner is owner of the alleged truck from where the alleged recovery has been made. It is submitted that neither petitioner was arrested on spot nor recovery has been made from his conscious physical possession. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is also submitted that similarly situated co-accused persons have already been granted bail by a learned co-ordinate Bench of this Court. 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 Bihar Prohibition and Excise Act.

6. In view of the submissions, as made above, as recovery has been made from the truck, where, the petitioner is owner of the said truck, and as Section 76(2) of Bihar Prohibition and Excise Act prohibits to grant anticipatory bail to 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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