

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49426 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- PANJWARA District- Banka

Md. Tahir Hussain Parvez @ Md. Tahir Hussain, Male, aged about 64 years,
Son of Sekh Tamunti @ Shek Tamuli, Resident of village - Laugain, P.S. -
Mahagama, District - Godda, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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

ORAL ORDER

4 23-08-2024 Learned counsel for the petitioner submits that
supplementary affidavit has also been filed in this case which is
annexed in this application.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner apprehends his arrest in connection
with Panjwara P.S. Case No. 27 of 2024 instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2022.

4. As the prosecution case, total 265.530 and 81 liters
of illicit foreign made liquor were recovered from the Scorpio
cars bearing Registration No. JH 17R 5064 and JH 15 AC 4759.



5. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the petitioner surfaced only because he is the owner of the seized vehicle except nothing has come against the petitioner. He next submits that the petitioner was not arrested at the spot. Petitioner has got clean antecedent as stated in para 3 of the petition.

6. Learned APP for the State has opposes the prayer for bail.

7. From perusal of the FIR, seizure list and also perused the impugned order dated 08.05.2024 passed by the learned A.D.J.-5th-Cum-Special Judge Exclusive Excise Court-2, Banka, it appears that altogether 265.530 liters of illicit foreign made liquor were recovered from a seized car bearing Registration No. JH 17R 5064. Petitioner is the owner of the said vehicle. As per the certificate of Registration issued by the Government of Jharkhand, the present petitioner is the registered owner of the seized car bearing Registration No. JH 17R 5064.

8. In view of the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the present anticipatory bail is not maintainable and is accordingly dismissed.



9. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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