

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44685 of 2024**

Arising Out of PS. Case No.-44 Year-2024 Thana- KOTWA District- East Champaran

ANIL KUMAR SON OF HARBHAGWAN R/O- HOUSE NO. 397, WARD -
04, GREEN TOWN, P.S.- SAMANA, DISTT.- PATIALA (PUNJAB)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Ajay Kumar Jha

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

ORAL ORDER

3 02-08-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends arrest in
connection with Kotwa P.S. Case No.44 of 2024 registered for
the offence under Sections 30(a), 32(2), 32(3), 36 and 41(i)(ii)
of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery total 536.25
litres of illicit liquor from a truck bearing Registration
No.PB11CB-1495 belongs to this petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has falsely been implicated
in the present case, where, petitioner is named in the FIR rather
FIR has been registered against owner of the alleged truck. It is



submitted that petitioner is owner of the alleged truck but he has no knowledge about transportation of illicit liquor by the driver of the alleged truck. 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 the investigation could be affected, if the petitioner would be granted privilege of anticipatory bail. It is also submitted that interrogation of the petitioner in police custody is also required.

6. In view of the submissions, as made above, as petitioner is registered owner of the alleged truck from where recovery of total 536.25 litres of illicit liquor has been made and as Section 76(2) of the Bihar Prohibition and Excise Act prohibits to grant privilege of anticipatory bail, 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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