

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52458 of 2024**

Arising Out of PS. Case No.-252 Year-2023 Thana- NAUTAN District- Siwan

Rahul Kumar, Male, aged about 26 years, Son of Ram Babu Sahni, Resident of Village - Gaighat, P.S. - Kanta, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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

ORAL ORDER

2      20-07-2024                      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nautan P.S. Case No. 252 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As the prosecution case, total 180 liters of Tetra Pack Banti Babli country made liquor was recovered from a Maruti Suzuki Swift car.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. He further submits that nothing has been recovered from the conscious possession of the



petitioner. Petitioner is not named in the FIR. There is no any independent witness of the seizure list. The name of the petitioner has surfaced in this case only on the basis of being registered owner of the Maruti Swife Car bearing Registration No. BR-31AD-1350. He next submits that at the time of search and seizure no one like the driver and other were present at the place of occurrence, which creates doubt upon the prosecution story. There is no any material to show the involvement of lthe petitioner in the present case. Petitioner has got clean antecedent as stated in para 3 of the petition.

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

6. From perusal of the FIR and also perused the impugned order dated 25.06.2024 passed by the learned Exclusive Special Excise Court-II, Siwan, it appears that petitioner is not named in the FIR but during course of investigation it is found that petitioner is the registered owner of the Maruti Swife Car bearing Registration No. BR-31AD-1350, from which the seized liquor was recovered. On searched two vehicles bearing Registration No. BR-31AD-1350 and DL-2CAK-7973, from which illicit liquor were recovered. *Prima facie*, it also appears that the petitioner is involved in



transportation and sale of liquor.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

**(Ramesh Chand Malviya, J)**

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