

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52820 of 2024

Arising Out of PS. Case No.-100 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Ram Babu Kumar Son of Late Sanjay Chauhan Resident of Village -
Akhaupur Gola, Police Station - Buxar (M), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Complaint Case No. 100 (O) of 2021 dated 08.06.2021
registered for the offences punishable under Section 30(a) of
Bihar Prohibition of Excise Act.

3. As per the prosecution, it is stated that on
08.06.2021 Excise Police, Buxar conducted a raid at Chausa
Rail Gate after receiving confidential information and caught a
Bajaj Pulsar motorcycle, bearing registration no. BR44J-7106,
loaded with two plastic bags containing a total of 63 litres of
country made liquor.

4. Learned counsel appearing for the petitioner
submits that no doubt the petitioner is the registered owner of



the alleged motorcycle upon which the alleged country made liquor was recovered but in fact, the petitioner went to railway station to see-off someone and had parked his motorcycle in the parking area and during that time interval someone put the alleged bags containing liquor upon his motorcycle, regarding this the petitioner had no knowledge and he was made accused mainly on the basis of the alleged motorcycle being under his ownership.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the impugned order as well as other relevant materials. The petitioner has remained involved in two similar nature of offences registered under Bihar Prohibition and Excise Act, as reflects from the statement made by the petitioner in paragraph no. 3 of the petition and admittedly the petitioner's motorcycle was found at the alleged place of recovery upon which the alleged bags containing the illicit country made liquor was recovered and this is sufficient to attract the alleged offences of Excise Act *prima facie* against him and as per the provisions of Section 76(2) of Bihar Prohibition and Excise (Amendment) Act, 2018 the anticipatory bail prayer is not maintainable, so, considering



these aspects, this court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly his prayer stands rejected.

(Shailendra Singh, J)

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