

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58723 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- MIRGANJ District- Gopalganj

Prabhu Kumar Singh Son of Surendra Bhagat R/O Vill.- Hathua Bujurg, P.s.-
Hathua, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mira Kumari

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Mirganj P.S. Case No. 61 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise(Amendment) Act 2018.

3. As per prosecution case, there is alleged recovery of 230.400 litre illicit liquor from the Maruti Suzuki Swift Car in question and co-accused Arbind Kumar was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in the present case as owner of the seized vehicle in question. Petitioner is not in any way connected with the alleged occurrence though petitioner bears criminal antecedent of two cases which is similar to the present case but petitioner is already on bail in both the cases. He



further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is owner of the vehicle in question and amount of recovery is 230.400 litre illicit liquor. He further submits that for the said alleged recovery petitioner cannot escape from the liability of being the owner of the car as huge amount of illicit liquor was recovered.

6. Considering the facts and circumstances of the case, petitioner being the owner of the seized vehicle in question from which huge amount of illicit liquor was recovered as well as petitioner having criminal antecedent of two cases which is similar to the present case, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

(Alok Kumar Pandey, J)

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