

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56163 of 2024

Arising Out of PS. Case No.-662 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

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RAMESH CHANDRA SON OF LAL SINGH RESIDENT OF VILLAGE -
GHAGHAU KALAN, DARAPUR MILAVLI, P.O. AND P.S. -
FIROZABAD, DISTRICT - FIROZABAD (UTTAR PRADESH)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhash, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-09-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Mohaniya P.S. Case No. 662 of 2022 dated 10.12.2022 registered for the offence(s) punishable under Section(s) 414, 420, 467 of the Indian Penal Code and section(s) 30(a), 41(1), 47 of Bihar Prohibition & Excise Act.

3. Mr. Abhash, learned counsel for the petitioner submits that the instant matter relates to the recovery of 2634.36 litres of illicit liquor which is alleged to have been recovered from the petitioner's truck but, in fact, the petitioner had no knowledge of the factum of transporting of the illicit liquor by his vehicle and in this regard, the F.I.R. may be perused in which it is mentioned that the driver of the truck revealed before the police that he was directed by one Harsh Gupta to take the loaded truck which would be handed



over to him by the petitioner and except this there is no other material to show the petitioner’s involvement in the alleged crime of transportation of the illicit liquor and the same is not sufficient to make out a *prima facie* case against him. It is further submitted that the petitioner has got no criminal antecedent and he has been made accused only because he is the registered owner of the vehicle.

4. Mr. Damdar Prasad Tiwary, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Heard both sides and perused the F.I.R. and the case diary. The petitioner is named in the F.I.R. and admittedly his truck was found loaded with huge quantity of illicit liquor and the driver who was apprehended with the truck revealed that the truck loaded with the articles was handed over to him by the petitioner and these materials are sufficient to show the petitioner’s *prima facie* involvement in the alleged crime, so, considering this aspect as well as provisions of section 76(2) of the Bihar Prohibition & Excise Act, the petitioner’s prayer for anticipatory bail is not maintainable. Accordingly, his prayer stands dismissed as not maintainable.

(Shailendra Singh, J)

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