

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57406 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- GOVINDPUR District- Nawada

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Ajay Kumar S/O Gorelal Chaudhary @ Gorelal Chaudhari R/O Village-
Kadirganj, P.S- Kadirganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Govindpur P. S. Case No.168 of 2024 dated 08-06-2024,
instituted under Sections 30(a) and 41 of the Bihar Prohibition
and Excise Act.

3. The allegation is of recovery of 9.350 litres foreign
liquor from the motorcycle bearing Registration No. BR-27M-
4897.

4. Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of
the petitioner and he has been falsely implicated in this case. It
is submitted that the seized motorcycle, bearing Registration
No. BR-27M-4897, was being driven by co-accused Rahul



Kumar, who happens to be younger brother of the petitioner and was apprehended at the spot. Petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail and submits that in view of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the anticipatory bail application is not maintainable.

6. Considering the fact that illicit foreign liquor has been recovered from the motorcycle bearing Registration No. BR-27M-4897, which belongs to the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, prayer of the petitioner for grant of anticipatory bail is rejected.

8. The application stands disposed of.

9. However, if the petitioner surrenders before the learned court below within four weeks from today and prays for regular bail, the same shall be considered and disposed of preferably, on the same day, on its own merit without being prejudiced by this order.

(Khatim Reza, J)

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