

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59588 of 2024

Arising Out of PS. Case No.-390 Year-2024 Thana- Excise P.S. District- Darbhanga

Om Prakash Yadav, aged about 38 years, Male, S/O Sitaram Yadav, R/O
Village- Dhobopur Bansara, P.S- Hayaghat, Distt.- Darbhanga.
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Rambabu Yadav, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Excise PS Case No.390 of 2024 dated 26.05.2024, instituted
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. The allegation is of recovery of 127.200 litres
foreign liquor from Mahindra XUV 500 bearing registration no.
BR 01 BQ 1000, which belongs to the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The petitioner had no knowledge about the liquor loaded
on the vehicle. At the time of search and seizure, the driver of
the vehicle fled away from the spot. Lastly, it is submitted that



the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for anticipatory bail and submitted that this application for grant of anticipatory bail is not maintainable since recovery of liquor has been made from the vehicle of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Accordingly, prayer of the petitioner for grant of anticipatory bail is rejected.

7. The application stands dismissed.

(Khatim Reza, J)

J. Alam/-

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