

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59153 of 2024

Arising Out of PS. Case No.-357 Year-2024 Thana- Excise P.S. District- Siwan

Chintu Kumar S/o Gopal Sah R/o village - Chandopatti , Police Station -
Karpoorigram , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Siwan Excise P.S. Case No. 357 of 2024 dated 14.06.2024, instituted for the offence punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. Allegation is of recovery of 190.080 litres of illicit foreign liquor from the Swift Dzire Car bearing Reg. No. BR 06CW 0105.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner was neither driver nor found seated inside the car on the alleged date of occurrence. It is further submitted that petitioner is the owner of the said Dzire Car. Lastly, it has



been submitted that he has no criminal antecedent.

5. Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner and submitted that the said recovery was made from the car which belongs to the petitioner and in view of Section 76(2) of the Bihar Excise Act, this application for anticipatory bail is not maintainable.

6. Considering the aforesaid facts and circumstances of the case as well as the submission of learned A.P.P and the fact that illicit recovery was made from the car of the petitioner, I am not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for bail stands rejected.

(Khatim Reza, J)

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