

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61442 of 2024

Arising Out of PS. Case No.-366 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Ajit Gupta @ Ajeet Kumar, aged about 20 years, Male, Son of Late Kali Gupta, Resident of Village- Janpul Domapatti Ward no. 19, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Ranjana Srivastava, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Motihari Town P.S. Case No. 366 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per the allegation in the FIR, total 30 liters of country made liquor has been recovered from the hutment and it is alleged that the petitioner has kept the said liquor for sale.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner was neither arrested at



the spot nor anything found from the conscious possession of the petitioner. Petitioner was named in the FIR and has falsely implicated in this case due to dirty village politics. Petitioner has got one antecedent as stated in para 3 of the petition.

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

6. From perusal of the FIR and also perused the impugned order dated 24.07.2024 passed by the learned Special Judge, Excise Court No. 1, East Champaran, Motihari, it appears that petitioner is named in the FIR, huge quantity of country made liquor has been recovered from the hutment and petitioner has got one criminal antecedent as stated in para 3 of the petition. *Prima facie*, it also appears that the petitioner is involved in transportation and sale of liquor.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, recovery of huge quantity of country made liquor and one criminal antecedent of the petitioner as well as involvement of the petitioner in the alleged commission of offence, I am not inclined to grant anticipatory bail to the petitioner.



8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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