

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65789 of 2024

Arising Out of PS. Case No.-660 Year-2024 Thana- Excise P.S. District- Jamui

Sunil Thakur Son of Late Girija Thakur village- Lagma, ps- Jamui, Dist-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 16-12-2024 Heard Mr. Sanjay Kumar Mishra, learned counsel
for the petitioner and Mr. Dr. M. K. Gautam, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with JAM P.S. Case No.660/ 2024 dated 16.06.2024 registered
for the offence(s) punishable under Section(s) 30(a) of the
Bihar Prohibition & Excise Act.

3. The main submissions advanced by learned counsel
for the petitioner are that though the petitioner is named in the
F.I.R. but he has been made accused at the instance of co-
accused, Amit Kumar, who was arrested on suspicion and the
instant matter relates to the recovery of only 5.250 litres of
foreign liquor.

4. Learned APP appearing for the State opposes the
bail prayer of the petitioner and submits that in view of the
provisions under section 76(2) of the Bihar Prohibition &
Excise Act this petition is not maintainable as the petitioner
remained involved in two cases of similar nature of offence in



addition to the present matter and the case is under investigation.

5. Heard both the sides, perused the F.I.R. and the order impugned.

6. As per the F.I.R., the petitioner’s son, Amit Kumar, aged about 17 years, was apprehended with alleged foreign liquor who disclosed that his father (the petitioner) was also involved in selling of the alleged foreign liquor and against this petitioner, there are two criminal antecedents of similar nature of offence and the case is under investigation and in view of these circumstances, this court is not persuaded to form the opinion that the alleged offence under the Excise Act is not attracted against this petitioner, even prima facie, so, in view of the provisions under section 76(2) of the Bihar Prohibition & Excise Act, this court finds the petitioner’s prayer to be not maintainable and the same stands dismissed.

(Shailendra Singh, J)

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