

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66796 of 2024**

Arising Out of PS. Case No.-74 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

Mintu Singh S/o Laxmi Singh R/o Village- Katma, P.S.- Manigachhi, District-  
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      16-12-2024                      Heard Mr. Jitendra Bharti, learned counsel for the  
  
Petitioner and Mr. Anil Kumar Singh No. 1, learned APP for the  
  
State.

2. The petitioner apprehends his arrest in connection  
with Bhairabsthan P.S. Case No. 74 of 2024 dated 19.07.2024  
registered for the offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant acting  
on a secret information, on 19.07.2024, during his patrolling  
duty, stopped a Swift Car but the driver of the car did not stop  
and he succeeded in fleeing away. After the search of the  
vehicle, a total of 98.205 litres of foreign liquor was recovered  
from the vehicle.

4. The main submissions advanced by the learned



counsel appearing for the petitioner are that the instant matter relates to the recovery of the 98.205 litres of foreign liquor from a Maruti Swift Car and admittedly, the petitioner was not apprehended at the spot of recovery from the alleged vehicle, in actual, the petitioner was at his house at the time of recovery and he has been made accused mainly on the basis of suspicion and the alleged vehicle is not registered in his name.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Heard both the sides and perused the FIR and the order impugned. The petitioner is named in the FIR and against him, there are criminal antecedents of three cases relating to the similar nature of offence and as per allegation, the petitioner was coming with the alleged liquor in a car who managed to escape, on seeing the police party, leaving his vehicle behind which was seized and the recovery of the liquor was made. The case is under investigation and considering the petitioner's past conduct relating to his criminal antecedents, this Court is not persuaded to form the opinion that the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Act does not even prima-facie attract against this petitioner, so, in view of the provision of Section 76(2) of the Bihar Prohibition and Excise



Act, this Court finds the petitioner’s present prayer to be not maintainable, accordingly, his prayer stands rejected.

7. Petitioner is given a liberty to surrender before the trial court, if he surrenders within twenty days from today, then the learned trial court will decide his regular bail prayer at the earliest without being prejudiced with this order.

**(Shailendra Singh, J)**

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