

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69080 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- Excise P.S. District- Bhojpur

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Hariom Kumar @ Hari Om Kumar, S/o- Vishwanath Sharma, Resident of
mohalla- Damriyahi Ghat, PS- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 29-11-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel for

the petitioner and Mr. Md. Anzarul Haque Sahara, learned APP for

the State.

2. The petitioner apprehends his arrest in connection
with Excise (Sadar) P.S. Case No. 144/2024 dated 20.06.2024
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018 (in short
'Excise Act').

3. Learned counsel appearing for the petitioner
submits that the instant matter relates to the smuggling of 1056
litre of intoxicated material (beer) and the same was recovered
from a Pick-Up vehicle which stands registered in the name of
this petitioner, no doubt the petitioner is the registered owner of
the alleged vehicle but he had no knowledge of the transportation
of the alleged contraband by his vehicle and except the petitioner



being the owner of the said vehicle, there is no material against him, hence, the alleged offence of the Excise Act does not even *prima facie* attract against this petitioner and his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the prayer of the petitioner.

5. Heard both the sides and perused the FIR and the case diary of this case. Admittedly, the alleged seized contraband in large quantity was found in the petitioner's vehicle, though he has taken the plea that he was not aware of the smuggling of the alleged Beer by his vehicle but the FIR goes to show that the apprehended driver could not give satisfactory answer regarding the ownership of the vehicle and the vehicle's engine number and chassis number were found scratched, so, in view of these circumstances, this Court is not persuaded to form the opinion that the alleged offence does not even *prima facie* attract against this petitioner and moreover investigation is pending against him, so, considering the provision of section 76(2) of the Excise Act, this court finds petitioner's bail prayer to be not maintainable, so, it stands dismissed.

(Shailendra Singh, J)

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