

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75626 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- DHAKA District- East Champaran

Ram Parvesh Sah @ Ram Parvesh Saw S/O Jogindra Sah R/O Vill- Belganj,
Bairgania, P.S.- Bairgania, Dist- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anupam Raj, Advocate

For the Opposite Party : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Dhaka P.S. Case No. 96 of 2024, lodged on 05.03.2024, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending before the Court of Exclusive Special Excise Court No. 3, East Champaran at Motihari.

3. As per the prosecution, FIR has been lodged against the owner and the driver of the motorcycle. Total recovery of 35.7 litres of illicit Nepali wine has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner possesses two motorcycles and his co-villagers took one of his motorcycle in the name of purchase and the petitioner is completely unaware that the co-villagers shall



use his motorcycle for illegal purpose. Counsel submits that the petitioner is basically a victim in this case at the hand of the person who used his motorcycle for illegal purpose. Counsel further submits that the antecedent of the petitioner is clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the recovery has been made from the motorcycle of the petitioner and the petitioner is the owner having no plausible explanation as to why his motorcycle was subject to recovery of wine.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the learned Court below within a period of 4 weeks from today. In case, the petitioner surrenders within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

Aman Kumar/-

(Dr. Anshuman, J)

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