

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75345 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Excise P.S. District- Rohtas

Chandan Kumar Gupta son of Vishanu Prasad Village- Dhibra, Tenduni, Ps-
Bikramganj, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Excise Case No. 136 of 2024 arising out of Bikramganj Excise
PS Case No. 19 of 2024 dated 16-02-2024 instituted for the
offence punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. The allegation is of recovery of 155.520 litres of
illicit foreign liquor of different brands from the Mahendra
Bolero bearing Registration No. JH-05V-7093.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner further submits that
nothing has been recovered from the conscious possession of



the petitioner. It is submitted that petitioner is the erstwhile owner of the said Bolero vehicle. It is next submitted that the petitioner has sold the said vehicle to one Saddam Hussain, son of Abdul Halim Khan, R/o village Ward No.11, Sasaram Road, Chhoti Masjid on 19-11-2020 through agreement and full responsibility and liability was handed over to Saddam Hussain and from 19-11-2020 he had taken custody of his vehicle and this regard a sale letter has been annexed *vide* Annexure P/2 to the bail petition. It is submitted that petitioner has no criminal antecedents.

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

6. Considering the fact that illicit foreign liquor of different brands has been recovered from the Mahendra Bolero bearing Registration No. JH-05V-7093, which belongs to the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, prayer of the petitioner for grant of anticipatory bail is rejected.

8. The application stands disposed of.



9. However, if the petitioner surrenders before the learned court below within six weeks from today and prays for regular bail, the same shall be considered and disposed of preferably, on the same day, on its own merit without being prejudiced by this order.

(Khatim Reza, J)

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