

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77292 of 2023**

Arising Out of PS. Case No.-172 Year-2023 Thana- SAKRA District- Muzaffarpur

Rahul Sk Son Of Taiyab Ali R/O Village- Kedar Pt-2, Vtc Kedar P1-Ii, P.O. -  
Damkuri, P.S.- Golokganj, Dist.- Dhubri, State- Assam

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP.100)

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      05-03-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Sakra P.S. Case No. 172 of 2023, registered for the alleged offence under Sections 30, 32 (I) (II), 36, 41(i) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, recovery of 1552.680 liters of illicit India made foreign liquor was made from secret chamber of the truck owned by the petitioner.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner is the owner of the truck and the driver of the said truck misused his position in carrying illicit liquor from the said truck of the petitioner. The petitioner was not present at the place of occurrence and he has



been made accused in this case merely because he is the owner of the said truck. Nothing incriminating has been recovered from the possession of the petitioner, who never dealt with the illicit liquor. Further, the petitioner has given his truck to a transportation agency and was not knowing about the consignment being carried in his truck. The petitioner has got no criminal history.

05. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail. Learned APP submits that it is not a simple case that the petitioner, being the owner of the truck, was not having knowledge about the involvement of the truck in such occurrence. In the said truck, secret chamber has been made and it was not possible without knowledge of the truck owner and recovery of 1552.680 liters of India made foreign liquor was made from the said secret chamber of the truck.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the likelihood of involvement of the petitioner in the offences as alleged, I am not inclined to entertain prayer for grant of anticipatory bail to the petitioner. Hence, prayer for anticipatory bail of petitioner is hereby rejected.

**(Arun Kumar Jha, J)**

Ashish/-

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