

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76887 of 2024**

Arising Out of PS. Case No.-206 Year-2023 Thana- BARACHATTI District- Gaya

Amit Kumar Son of Shrichand Yadav R/O Vill.- Jamuni, P.S.- Mohanpur,
Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv.

For the Opposite Party/s : Mr. Kanhiya Kishor, APP.

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

2 25-10-2024 Heard Mr. Prithivi Raj Singh, learned counsel for the
petitioner and Mr. Kanhiya Kishor, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Barachatty (Mohanpur) P.S. Case No. 206 of 2023 dated
23.02.2023 registered for the offence punishable under Section 30(a)
Bihar Prohibition & Excise (Amendment) Act, 2018.

3. The main submissions advanced by learned counsel
for the petitioner are that though as per the allegation 122.680 litres
of foreign liquor is said to have been recovered from the petitioner's
Honda City car but admittedly the petitioner was not found present in
the said vehicle when it was searched and the same was being driven
by co-accused namely Bhawani Yadav, who has been granted regular
bail by this Court vide order dated 16.05.2023 passed in Cr. Misc.
No. 25880 of 2023. It is further submitted that the petitioner had no
knowledge about the transporation of the alleged liquor using his
vehicle. So, the alleged offence under Excise Act is not even prima



facie attract against him and the petitioner has fair and clean antecedent.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Heard both the sides and perused the FIR. It is an admitted position that the petitioner’s vehicle was used in transporting the alleged liquor which was found in large quantity, the case is under investigation and the petitioner’s plea as to his no knowledge about his vehicle being used by co-accused in the alleged illegal purpose of transporting of alleged liquor is to be investigated and the case is under investigation. The materials available before this Court do not even prima facie persuade this Court to form an opinion that the alleged offence does not attract against this petitioner. Accordingly, it is not a fit case for grant of anticipatory bail to the petitioner and also the prayer of the petitioner is not maintainable as it is hit by the provisions of Section76(2) of the Bihar Prohibition and Excise Act. Hence, his prayer stands rejected.

(Shailendra Singh, J)

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