

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80913 of 2024

Arising Out of PS. Case No.-163 Year-2024 Thana- KUTUMBA District- Aurangabad

Suraj Pandey, aged about 22 years, Male, S/O Ram Tapasaya Pandey,
Resident of Village- Kasimpur, P.O- Ankupa, P.S- Kutumba, District
-Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Mishra, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kutumba PS Case No.163 of 2024 dated 24.09.2024, instituted
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. The allegation is of recovery of 15 litres country-
made liquor from the motorcycle bearing registration no. BR 26
T 2511.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is further submitted that no recovery has been made
from the conscious possession of the petitioner. It is also



submitted that the motorcycle from which recovery has been made belongs to the petitioner and the said motorcycle was taken away by Himanshu Singh, Mintu Paswan and Ramadhar Sao on the plea of urgent work i.e., for visiting the doctor and the petitioner in good faith handed over the motorcycle to them being the villagers. It is also submitted that a complaint case bearing Complaint Case No.840 of 2024 has been filed by the father of the petitioner against Himanshu Singh, Mintu Paswan and Ramadhar Sao, who had taken away the motorcycle of the petitioner. It is further submitted that the petitioner has no concern with the illicit liquor.

5. Learned APP has opposed the prayer for bail. Learned APP has further submitted that the alleged recovery of wine has been made from the motorcycle of the petitioner and as such, this anticipatory bail application is not maintainable. Further submission is that petitioner has three criminal antecedents of similar nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, prayer of the petitioner for grant of



anticipatory bail is rejected.

8. The application stands dismissed.

(Khatim Reza, J)

J. Alam/-

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