

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1690 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- MANIGACHI District- Darbhanga

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Ankit Kumar Yadav @ Ankit Yadav S/O Ram Vinay Yadav Village- Gopalpur
Bhandrso, Ps. Manigachhi, Dist. Darbhanga. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Vinay Kumar Mishra, learned counsel

appearing on behalf of the petitioner and Ms. Meena Singh,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Manigachhi P.S Case No.211 of 2023 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

3. Allegation is of recovery of 712.02 litres of foreign
liquor from a pickup van.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner has
no concern with the alleged seized liquor and the house from
which 712.02 litres of foreign liquor was recovered. Petitioner is

not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the failure of the state machinery in stopping the smuggling of the liquor and for the said purpose, use of fake registration number, as would be evident from the allegation made in the FIR, a vehicle bearing registration no.BR06GA-0196, chassis no.MA1ZN2GHKB1D24356 and engine no.GHB1D20026 was used. The petitioner has pleaded that he is innocent and not connected with the offence in any manner. I find that there is possibility that the pick-up vehicle is stolen one and it was in the way for delivering the consignment of illicit liquor using the fake registration number.

7. The District Transport Officer, Darbhanga is directed to submit a report with respect to registration number of the vehicle bearing Registration no.BR06GA-0196, chassis no.MA1ZN2GHKB1D24356 and engine no.GHB1D20026 and verify from the Engine number and the chassis number of the said pick-up vehicle, as to whether, the number is fake or the

number bear correct registration number of the pick-up vehicle.
In any case, it can be said that by using such tactical measure, at a large scale, the illicit liquor is being brought inside the State of Bihar.

8. The petitioner is directed to be released on provisional pre-arrest bail by the learned District Court concerned, subject to conditions as laid down under Section 438(2) of the Cr.P.C. and on such terms and conditions, he deems fit and proper for a period of four weeks, during which period, the District Transport Officer must furnish the report without fail.

9. In case of failure, the District Court must take appropriate action against the District Transport Officer, considering the fact that there is allegation of forgery and tampering of number plate of the pick-up vehicle on which huge quantity of liquor has been loaded. If the petitioner is not connected in any manner either with the consignment of the liquor or the pick-up vehicle concerned, the provisional pre-arrest bail shall be confirmed.

(Purnendu Singh, J.)

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