

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7816 of 2025

Arising Out of PS. Case No.-44 Year-2024 Thana- KAHALGAON District- Bhagalpur

Kundan Kumar S/O Munna sah Resident of Village- Singharapatti, Police
Station- Madhonagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation in the FIR, total 189 liters of illicit foreign liquor has been recovered from a vehicle bearing registration no.BR-11BF-7808 and the petitioner is the owner of the said vehicle.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner has got clean antecedent and nothing has been recovered from the conscious possession of the petitioner.



5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is the owner of the said vehicle.

6. On perusal of the First Information Report and impugned order dated 29.10.2024, it appears that the petitioner is the owner of the said vehicle and total 189 liters of illicit foreign liquor has been recovered from the said vehicle. As, Section 76 (2) of Bihar Prohibition and Excise Act is attracted which bars the anticipatory bail. As such in view of the allegation leveled against the petitioner as well as in light of the judgment of the full bench of this Court in the case of **Ramvinay Yadav v. State of Bihar PLJR 2019 (2)**, so I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail to the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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