

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14042 of 2025

Arising Out of PS. Case No.-35 Year-2021 Thana- MALI District- Aurangabad

Prahlad Saw, S/O Late Lakhan Saw, Village- Purna Sahar, ward No.8, P.S.-
Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-03-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mali P.S. Case No.35 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. The police on a tip off trafficking of illicit liquor, intercepted a Maruti Swift Car and Pick-up Van and on search, total 1852 litres of country made liquor was recovered. One Lallu Yadav, who is said to be the driver of the Pick-up Van was apprehended from the place of occurrence.

4. Learned Advocate for the petitioner contended that admittedly the name of the petitioner has been implicated in this case on account of he being owner of the Pick-up Van and save and except the aforesaid fact, there is no material against the



petitioner. It is further contended that in fact the Pick-up Van was used for the purpose of transportation of goods by the driver and the petitioner has no concern that the same has been used for any illegal purpose. Further submission has been made that co-accused, namely, Lakshman Prasad, who is said to be the owner of Maruti Swift Car and from where illegal liquor was recovered, has been accorded the privilege of regular bail by this Court, the copy of which is annexed as Annexure-P/2 to this petition.

5. On the other hand, learned APP for the State while opposing the bail application has contended that the petitioner also bears one criminal antecedent of identical nature. Moreover, the co-accused, having identical allegation, has been allowed the privilege of regular bail and the petitioner has been evading his arrest for four years, despite the fact that the petitioner is said to be owner of the Pick-up Van, in question.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties, this Court finds that the petitioner has been evading his arrest for the last four years, despite knowing his implication in the present case, this Court is not acceded to the prayer for grant of anticipatory bail.



7. Accordingly, the prayer for grant of anticipatory bail stands rejected.

8. Suffice it to observe that if the petitioner surrenders before the court below within a period of one month from today and prays for regular bail, the court below shall consider the prayer for grant of bail without being prejudiced by the order of this Court and taking note of the fact that co-accused, having identical allegation, has been allowed the privilege of regular bail by this Court.

(Harish Kumar, J)

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