

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13788 of 2025

Arising Out of PS. Case No.-861 Year-2024 Thana- Excise P.S. District- Nawada

Gopal Kumar Son of Late Chando Singh Resident of Village - Nonai, P.S. -
Nemdarganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

2 28-03-2025 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 Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016 (Amended in the year 2018 & 2022).

3. As per allegation in the FIR, total 32 liters of illicit country made liquor was recovered from a Toto bearing registration no.BR-27ER-4296 and the said Toto is the registered owner of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that neither the petitioner was present at the place of occurrence nor anything has been recovered from his possession. Petitioner has got clean antecedent as stated in para-



3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner and submits that if granting anticipatory bail to the petitioner will affect the investigation of the present case and also submits that the seized vehicle was the registered owner of the petitioner.

6. On perusal of the first information report and impugned order dated 02.01.2025, it appears that total 32 liters of illicit country made liquor was recovered from a Toto bearing registration no.BR-27ER-4296 and the said Toto is the registered owner of the petitioner. 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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