

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14130 of 2025

Arising Out of PS. Case No.-307 Year-2022 Thana- RUPASPUR District- Patna

=====

Dhananjay Kumar Son of Baleshwar Ram Resident of Village Sorampur P.S.-
Dulhin Bazar, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Shyam Kishore, Advocate
For the State : Mr. Upendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Rupaspur P.S. Case No. 307 of 2022, dated
01.06.2022 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, total 150 liters of liquor was
recovered from an auto bearing registration no. BR01-PL-9371
and a *rickshaw* respectively.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that he has no role in the alleged
offence because he was not present in the auto nor the driver
has misused the vehicle with his connivance. He has been only



implicated because he is the owner of the auto.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail submitting that the present petition is not maintainable in view of the fact that 70 liters of illicit liquor has been recovered from the auto-rickshaw belonging to the petitioner and there was no passenger in the vehicle. It shows that the vehicle in question was being misused for commission of the offence under the Excise Act and hence, under Section 32 of the Excise Act, the connivance of the petitioner, who is the owner of the vehicle, is presumed and such presumption of connivance of the petitioner can be rebutted only during trial and at this stage, the present anticipatory bail petition of the petitioner is not maintainable.

8. Accordingly, the present petition is dismissed as not maintainable.

9. However, the petitioner is at liberty to surrender before the learned court below along with his application for



regular bail, and in such eventuality, learned court below is requested to consider the bail application of the petitioner on the same day.

(Jitendra Kumar, J.)

S.Ali/-

U		T	
---	--	---	--

