

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46454 of 2024

Arising Out of PS. Case No.-2057 Year-2023 Thana- Excise P.S. District- Gaya

Rishav Kumar Pathak, aged about 26 years, Male, Son of Narendra Kumar Pathak, Resident of Jitendra Kumar At Qr. No. 08 Siram Toli, B.S.R.T.C., Colony, P.S. and District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

6 21-02-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 2057 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 432 liters illicit liquor was recovered from a car bearing Registration No. JH12C-0025.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner was neither arrested at the spot nor anything has been recovered from the conscious



possession of the petitioner. Petitioner was not named in the FIR. He next submits that petitioner is the registered owner of the seized vehicle bearing Registration No. JH12C-0025 from which seized articles has been recovered. He next submits that the name of the petitioner has been surfaced in this case because he is the owner of the seized vehicle from which recovery was made. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State has opposes the prayer for bail and submits that there is huge quantity of liquor from a car which belongs to the petitioner.

6. From perusal of the FIR, case diary and also perused the impugned order dated 09.05.2024 passed by the learned Exclusive Excise Judge No. 3, Gaya, it appears that petitioner is not named in the FIR and his name has been surfaced during course of investigation because he is the owner of the said vehicle from which recovery was made. From perusal of the records at paragraph nos. 35 and 38 of the case diary, it also appears that several times the Investigating Officer approached the petitioner on mobile phone but there is no any response from him.

7. Considering the aforesaid facts and circumstances



of the case and submissions of learned counsel for the parties and the involvement of the petitioner in the alleged commission of offence as well as considering the statutory bar under Sections 76(2) of the Bihar Prohibition and Excise Act, I am not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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