

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47568 of 2025

Arising Out of PS. Case No.-540 Year-2025 Thana- DANAPUR District- Patna

Manish Kumar S/o Shiv Shankar Prasad R/o Mohalla- House No. 49 Sri
Krishna Nagar, P.S.- Budha Colony, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Danapur P.S.
Case No. 540 of 2025, registered for offence under Sections
30(a), 41 of Bihar Prohibition and Excise Act.

3. Total 120 liters of illicit country-made liquor has
been recovered from a Tempo, of which, this petitioner is
registered owner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been made accused in this case
merely because he happens to be owner of seized Tempo, which
was purchased by him on finance, but, fact remains that the said
Tempo was forcibly taken away by the Finance company, as
petitioner, due to financial crunch, could not regularly make



payment of EMI of said Tempo. He further submits that in this regard, the petitioner had also filed a complaint on 21.07.2023 before the S.H.O., Sri Krishnapuri Police Station, Patna (copy at Annexure P2) and therefore, petitioner cannot be held responsible for recovery of illicit liquor from the Tempo.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that petitioner is owner of the seized tempo, from which, illicit liquor was recovered and no reliance can be placed on Annexure P2 i.e. complaint filed by petitioner, since no F.I.R., to that effect, has been lodged and as such, this plea has been taken by the petitioner only with a view to create defence.

6. Considering the fact that petitioner is registered owner of the seized Tempo, from which, aforesaid recovery has been effected, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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