

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57400 of 2024**

Arising Out of PS. Case No.-462 Year-2023 Thana- TRIVENIGANJ District- Supaul

Sanjay Kumar Yadav @ Sanjay Yadav SON OF SURENDRA YADAV
VILLAGE- BHURA, PS- TRIVENIGANJ, DIST- SUPUAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aniket Kumar Thakur, Adv
For the Opposite Party/s : Mr.Nagendra Prasad, APP

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

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and Learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Triveniganj P.S. Case No. 462/2023 instituted for the offences punishable under Section 30(a) Bihar Prohibition and Excise Act 2016.

3. As per the prosecution case, F.I.R. has been lodged against six named accused persons including the present petitioner against whom there is a recovery of 33 plastic bag and each bag contains 90 pieces Nepali Sofi Liquor 300 ML each and subsequently, 01 Plastic bag containing 36 pieces Nepali



Sofi Liquor 300ML each i.e., total of 901.8 litre of illicit liquor from White Scorpio bearing Registration No. BR43P2792.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that he has one antecedent of similar nature. He further submits that his name has been figured in this case by the confessional statement of the co-accused. He further submits that petitioner has nothing to do with the illicit liquor. Neither he is the owner of the Scorpio bearing Registration No. BR43P279 seized in this case.

5. Learned APP for the State opposes the prayer for bail of the petitioner

6. From perusal of the impugned order dated 16.05.2024, it appears that the accused Rajesh Kumar who is the accused in the present case has been arrested from the spot and has clearly stated that the petitioner was escorting the Scorpio Vehicle on his motorcycle and he had come to take delivery of the liquor.

7. Considering the aforesaid facts and circumstances of the case and the submissions made by learned counsel for the parties, the present petition is barred by Section 76(2) of Bihar Prohibition and Excise Act, 2016.



8. Accordingly, the prayer for anticipatory bail of the
petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Sunnykr/-

U			
---	--	--	--

