

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61101 of 2024

Arising Out of PS. Case No.-337 Year-2024 Thana- PHULWARISHARIF District- Patna

Rakesh Kumar Srivastava, aged about 48 years, Male, Son of Ashok Kumar Srivastava, Resident of 74 (Kh), Shanti Sadan, Veer Kunwar Singh Nagar, Janta Road, Jakkanpur, Phulwarisharif, P.S - Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, 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 petitioner apprehends his arrest in connection with Phulwarisharif P.S. Case No. 337 of 2024 instituted for the offences punishable under Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act, 2018 and Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. As the prosecution case, total 495.64 liters of foreign liquor was recovered from a vehicle bearing Registration No. BR01PJ-8125.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case on the basis of suspicion. He further submits that nothing has been recovered from the conscious possession of the petitioner. He next submits that the petitioner is not present at the place of occurrence. 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.

6. From perusal of the FIR, seizure list and also perused the impugned order dated 28.06.2024 passed by the learned Special Judge Excise Act-1, Patna it appears that petitioner is not named in the FIR. From perusal of the records, it appears that on the basis of written report of the informant Irfat Praveen, FIR has been registered under Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act, 2018 and Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code. The seized vehicle has been recovered from the Bishnu Ojha house and the petitioner is the registered owner of the said vehicle from which 495.64 liters of foreign liquor was recovered and the trial is under investigation, so considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties as well as involvement of the petitioner in the alleged commission of



offence, I am not inclined to grant bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ramesh Chand Malviya, J)

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