

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71741 of 2023

Arising Out of PS. Case No.-14 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Vinod Kumar Lal Dev @ Vinod Lal Dev Son Of Baijnath Lal Dev Village-
Madhopur, Ps- Sadar Distt- Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.
For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 24-03-2025 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 Excise G.O. Case no.14 of 2015 under Section 47(a) of Bihar Excise Act, 1915. Further, G.O. Case No. 178 of 2017.

3. As per allegation, 16.300 litres of illicit liquor has been recovered from the mobile shop of the petitioner. However, petitioner managed to escape from the place of seizure.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and committed no offence. Neither the petitioner was apprehended on spot nor anything incriminating has been recovered from his conscious possession. It is further submitted that similarly situated co-accused has been acquitted from the charge after depositing fine. The search and seizure list has not been prepared in accordance with Section 100(4) & (5) of Cr.P.C. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent.

5. Learned APP appearing for the state has vehemently opposed the prayer of bail and submitted that there is direct allegation against the petitioner that illicit liquor has been recovered from his mobile shop. From perusal of order sheet, dated 20.12.2017, it is evident that cognizance has been taken u/s 47(a) of the Excise Act. Thereafter, N.B.W. was issued and subsequently, process u/s 82 Cr.P.C. has been initiated.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his



prayer for anticipatory bail stands rejected.

7. The petitioner is directed to surrender before learned court below and pray for regular bail, which may be considered by the court below on its own merit, without being prejudiced by the order of this Court.

8. In view of the submission made on behalf of the petitioner, he is at liberty to appear before the trial Court and confess his guilt and in that situation, trial Court may pass similar order, in accordance with law, against the petitioner.

(S. B. Pd. Singh, J)

Nirajkrs/-

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