

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61578 of 2024**

Arising Out of PS. Case No.-98 Year-2024 Thana- Excise P.S. District- Bhagalpur

Radhey Shyam Choudhary Son of Ram Sumer Choudhary Resident of  
Mohalla - 18/21, R.N.R.C. Ghat Road, Haora (M Corp) Shibpur, P.S.- Shibpur  
in the District of Howrah (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate  
For the Opposite Party/s : Ms. Nirmala Kumari, 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 Excise (Kahalgaon) P.S Case No. 98 of 2024 instituted for  
the offence punishable under 30(a) of the Bihar Prohibition and  
Excise Amendment Act.

3. As per allegation in the FIR, total 450 litres of  
Indian made foreign liquor has been seized from a Pickup van  
bearing registration no.WB11F-0121.

4. Learned counsel for the petitioner submits that  
petitioner has falsely been implicated in this case. He next  
submits that petitioner has got no criminal antecedent as stated  
in para-3 of the petition.



5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner and submits that granting anticipatory bail to the petitioner may affect the investigation of this case.

6. From perusal of the F.I.R., seizure list and impugned order dated 03.04.2024, it appears that the present petitioner is the owner of the said vehicle and the present petition is barred by Section 76(2) of Bihar Prohibition and Excise Act, 2016, so I am not inclined to grant anticipatory bail to the petitioner.

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

**(Ramesh Chand Malviya, J)**

Brajesh Kumar/-

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