

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66147 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- BHELDI District- Saran

RAKESH KUMAR SON OF RAMESH RAY RESIDENT OF VILLAGE -
SABALPUR, P.S. - SONPUR, DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Adv

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, 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 Bheldi P.S. Case No. 32 of 2024 instituted for the offences punishable under Section 30(a), 32, 36, 47 of the of the Bihar Prohibition and Excise Act, 2022 and Section 188, 272 and 273 of the Indian Penal Code.

3. As per the prosecution case, F.I.R. has been lodged against four named accused persons including the present petitioner against whom there is an allegation of recovery of 1422.72 litre of English liquor from the truck bearing Registration No. UP51AT-0298.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. He further submits that he has one antecedent. He submits that though the petitioner is registered owner of the truck but the truck was being driven by the driver namely Guddu Kumar who was apprehended by the police and petitioner was unaware of the fact that the liquor trade was going on with his truck. He further submits that nothing has been recovered from the conscious position of the petitioner and petitioner's name has been figured in this case by the virtue of the confessional statement of the driver namely Guddu Kumar.

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

6. From perusal of the F.I.R. and impugned order dated 30.07.2024, it appears that huge quantity i.e., 1422.72 litres of illicit liquor has been recovered from the celler of the seized truck bearing Registration No. UP51AT-0298 and the owner of the seized truck is the petitioner himself which is evident from paragraph 25 of the case diary. It is clear from the aforesaid fact that the petitioner along with the other co-accused is profession businessman of transporting/selling illicit liquor through his truck. So, considering the aforesaid facts and that fact that petitioner is registered owner of the truck having one



antecedent of similar nature, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the present anticipatory application of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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