

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69757 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- CHANDAN District- Banka

Kundan Kumar @ Kundal Kumar S/O Mahendra Mandal R/O Village-
Ramudih, Police Station- Jasidih, District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Chandan P.S Case No. 34 of 2024 instituted for the offence
punishable under Sections 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per allegation in the FIR, total 269.25 litres of
illicit liquor has been recovered from Scorpio car bearing
registration no.JH15M-6913 and the petitioner is registered
owner of the said vehicle.

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 petitioner and further states that there is not recovery from the conscious or physical possession of the petitioner. He next submits that similarly situated co-accused has been granted regular bail by this Court passed in Cr. Misc. No. 38542 of 2024.

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 18.06.2024, it appears that the alleged recovery from a Scorpio car and the petitioner was registered 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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