

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73898 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Excise P.S. District- Jamui

Deepak Kumar S/o- Rampreet Ray Village- Mahua Singh Ray West Ward No
1, P.S-Mahua District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(A) of the
Bihar Prohibition and Excise Act, 2022.

3. As per allegation in the FIR, on 09.01.2024 at
about 21:00 pm while checking the truck number WB-11E-
6576, the Assistant Commissioner State Tax, Jamui Circle
recovered 79.470 liters of illicit foreign liquor hidden in the said
truck among the goods loaded and the petitioner is the registered
owner of the said truck.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. He further submits that petitioner is not named in the FIR,
neither the incriminating article has been recovered from his



conscious possession. He further submits that petitioner has got one criminal antecedent in which he is on bail as stated in Para-3 of his bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the alleged liquor was recovered from the petitioner's vehicle.

6. On perusal of the First Information Report, case diary and impugned order dated 22.08.2024, it appears that the petitioner is the registered owner of the said truck and from para-55, 56, 57, 61 and 63 of the case diary, there is ample evidence against the petitioner that the illicit liquor belongs to the petitioner. As, Section 76 (2) of Bihar Prohibition and Excise Act is attracted which bars the anticipatory bail. As such in view of the allegation leveled against the petitioner as well as in light of the judgment of the full bench of this Court in the case of ***Ramvinay Yadav v. State of Bihar PLJR 2019 (2)***, so I am not inclined to grant anticipatory bail to the petitioner.

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

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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