

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76435 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- BARUN District- Aurangabad

Chitrانjan Kumar S/o Late Jagdish Singh Resident of village- Mallu Khaira
(Mallu Bigha), P.S.-Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and

Learned APP for the State.

2. The petitioner apprehends his arrest in connection with Barun P.S. Case No. 277/24 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, F.I.R. has been lodged against three named accused persons including the present petitioner who is the registered owner of the Apache bike bearing registration no. BR-26X-7976 against whom there is a recovery of 14 piece of 200 ML each country made liquor from the said vehicle. Two persons were apprehended namely Jayjeet Kumar and Ranjan Kumar (brother of the petitioner) who was



riding the motorcycle. Thereafter, the informant and police team raided the house of Ranjan Kumar (Brother of the petitioner) from where 39.2 liters of country made liquor and 14 cans (20 Lts) of beer has also been recovered. Further the Apache bike bearing registration no. BR-26X-7976 was taken into custody.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that he has no criminal antecedent. He further submits that all the allegations is false as there are no independent witnesses to the seizure list. Moreover, as per the FIR, nothing has been recovered from the possession of the petitioner save and except his Apache Motorcycle bearing registration no. BR-26X-7976 was being used in the alleged crime. He further submits that his brother was using his bike and he has no knowledge that liquor was being transported from his vehicle.

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

6. From perusal of the F.I.R. as well as the impugned order, it appears that petitioner is the owner of seized motorcycle bearing registration no. BR-26X-7976 from which 2.8 litre of country made liquor has been recovered. Moreover, his motorcycle was used by his own brother, so *Prima Facie*



case is made out against him.

7. Considering the aforesaid facts and circumstances of the case and the submissions made on behalf of the parties, the present petition is barred by Section 76(2) of Bihar Prohibition and Excise Act, 2016, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the anticipatory bail application of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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