

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82779 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- BHORE District- Gopalganj

Dhurandra Kumar Singh, Son of Majistr Yadav Resident of Khalwa
Laxmipur, P.S.- Bhore, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 17-01-2025 1. Heard Mr. Deepankar Raj, learned counsel for the petitioner and Mr. Shantanu Kumar, learned APP for the State.
2. Petitioner apprehends his arrest in connection with in connection with Bhore P.S. Case No. 123 of 2023 dated 23.03.2023 registered for the offence(s) punishable under Sections 30(a), 41(1) of Bihar Prohibition and Excise Amendment Act.
3. As per the prosecution story, on 23.03.2023 acting upon a secret information received, the informant along with police party reached at the bank of the river and started looking for the smuggler and thereafter when the police party stopped a motorcycle, two out of three persons fled away and the third person was apprehended by the police who disclosed the name of this petitioner and another person. Police party recovered



14.200 litres of country made liquor from the white gunny bag (Bora) which was kept on the seat of the motorcycle.

4. The main submissions advanced by learned counsel for the petitioner are that petitioner has fair and clean antecedent and is a young person and his name surfaced in the alleged crime of smuggling of illicit liquor in the confessional statement of co-accused, except this there is no other material, though the alleged motorcycle upon which the alleged liquor was found belongs to the petitioner's mother but the said fact is not sufficient to hold the petitioner liable for the alleged crime as well as to show his involvement in the trafficking of the alleged liquor. It is further submitted that while making search and seizure of the alleged liquor the provisions of Section 100 of the Cr.P.C. were not followed by police party.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides and perused the FIR. As per the allegation, the police party spotted the motorcycle which was being ridden by three persons and then the police chased them and thereafter out of three, two accused managed to escape leaving behind the motorcycle and one co-accused Jaggilal Singh, was apprehended at the spot and 14.200 litres of



illicit liquor was recovered from a sack kept on the alleged motorcycle and the said apprehended co-accused revealed the name of this petitioner as being involved in the trafficking of the alleged seized liquor. The case is under investigation and admittedly the seized motorcycle belongs to the petitioner's mother and during the course of argument the petitioner's counsel has not satisfied this court about the reason of presence of alleged motorcycle at the spot of recovery with the alleged liquor so, as per the provisions of Section 76(2) of Bihar Prohibition and Excise (Amendment) Act, 2018 the anticipatory bail prayer is not maintainable. Considering these aspects, this court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly his prayer stands rejected.

(Shailendra Singh, J)

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