

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87667 of 2024

Arising Out of PS. Case No.-414 Year-2024 Thana- BUDDHACOLONY District- Patna

Aakash Kumar S/o- Prameshwar Mahto @ Parmeshwar Mahto Resident of
mohalla- Bapu Nagar North Mandiri Chahkkan tola Buddh Colony P.S-
Buddha colony District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bhola Kumar, Advocate.

For the State : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Buddha Colony P.S. Case No. 414 of 2024 dated 6.9.2024, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per allegation, 1.980 litres of *Mahua* liquor has been recovered from the TVS Scooty bearing registration No. BR01HG-3709. The person who was driving the vehicle fled away and since the alleged liquor was recovered from the Scooty, the driver and owner of the Scooty have been made accused.



4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was not driving the vehicle. He had given the vehicle to his brother who was driving the said vehicle. He also submits that recovery has not been made from the conscious possession of the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has got clean antecedent.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail submitting that as per the allegation, *prima facie* case is made out against the petitioner particularly, in view of Section 32 of the Excise Act, as per which, there is presumption against the owner of the vehicle that if the vehicle is found to be involved in any offence and admittedly he is owner of the vehicle. He further submits that even as per the Police Case, it is not clear whether the owner himself was driving the vehicle or not. It is defence of the petitioner that he was not driving the vehicle. All these are the matter of trial. He also submits that at this stage, *prima facie*



case is made out against the petitioner and hence, this petition for anticipatory bail is not maintainable.

8. Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioner on anticipatory bail.

9. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Jitendra Kumar, J)

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