

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86581 of 2024**

Arising Out of PS. Case No.-10 Year-2024 Thana- MAIRWAN District- Siwan

Ganesh S/O Anurudha @ Anirudha Goud R/O Jangal Rani Suhas Kuvri Tola
Mahaveer Chhpara, P.s. Mahaveer Chhpara, Distt- Gorakhpur (Uttarpradesh)

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Raj, Adv
For the Opposite Party/s : Mr.Shailendra Kumar, 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
Mairwan P.S. Case No. 10 of 2024 instituted for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, F.I.R. has been lodged
against one named accused persons against whom there is an
allegation of recovery of 760.320 litre of illicit liquor from the Pick-
up Van bearing Registration No. UP-53-JT-1045.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He further submits
that he has clean antecedent. He further submits that the petitioner
was not apprehended from from the place of occurrence not anything



recovered from the possession of the petitioner. Petitioner’s name has been figured because he is the owner of the Pick-up Van bearing Registration No. UP-53-JT-1045. He was totally unaware of the fact that this Pick Up Van was used in transporting illicit liquor as his Pick Up Van was used by his driver on rent.

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

6. From perusal of the F.I.R., impugned order dated 02.02.2024 and case diary, it appears that petitioner is the owner of the Pick-up Van bearing Registration No. UP-53-JT-1045. *Prima Facie*, it appears involvement of the petitioner in this case.

7. Considering the aforesaid facts and circumstances of the case and the submissions made on behalf of the petitioner, 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 prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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