

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89792 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- Karnamepur District- Bhojpur

Hari Singh @ Bagha Singh S/o- Suresh Singh Village- Ishwarpura P.S-
Karnamepur District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-01-2025 Heard Mr. Bibhakar Tiwary, learned counsel for the
petitioner and Mr. Sanjay Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Karnamepur P.S. Case No. 36/ 2024 dated 30.09.2024
registered for the offence(s) punishable under Section(s) 30(a)
of the Bihar Prohibition & Excise Act.

3. As per prosecution case, this petitioner along with
other accused persons fled away from the place of occurrence
after leaving a Bolero vehicle bearing registration JHC1U 2683
from which 338.40 litres of foreign liquor was recovered. The
local Chowkidar disclosed the name of the petitioner as one of
the persons who were involved in the crime and also fled away
from the place of occurrence.

4. The main submissions advanced by learned counsel



for the petitioner are that the petitioner has been made accused in the instant FIR mainly on the basis of disclosure made by the local Chowkidar while he has no connection with the seized liquor as well as the vehicle and there is no evidence against him to show his involvement in the alleged recovery except the disclosure made by the local Chowkidar as well as his criminal antecedents.

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

6. Heard both the sides and perused the FIR.

7. The instant matter relates to the recovery of 338.40 litres of foreign liquor from a Bolero vehicle and as per the allegation, the petitioner was also involved with the co-accused persons in smuggling and trafficking the alleged liquor and upon seeing the police party he managed to escape though, he has been made accused mainly on the basis of secret information and disclosure made by the local Chowkidar but petitioner has criminal antecedents of four cases out of which two relate to the offence under Excise Act and the case is under investigation, so, in view of these facts as well as considering the provision under section 76(2) of the Bihar Prohibition & Excise Act, 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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