

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2962 of 2025

Arising Out of PS. Case No.-167 Year-2023 Thana- FULKAHA District- Araria

Rupesh Kumar, aged about 29 years, Gender-Male, S/O- Sri Muter Yadav,
Village- Simarbani W.No-4, Ps- Bhargama Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

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

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

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation in the FIR, total 149.055 liters of illicit liquor was recovered from six motorcycles and one of the motorcycle bearing registration no.BR-38Q-4501 is belongs to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is not named in the FIR, neither the incriminating article has been recovered from his



conscious possession. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the alleged liquor was recovered from the petitioner's vehicle.

6. On perusal of the First Information Report and impugned order dated 25.09.2024, it appears that the petitioner is the registered owner of the said motorcycle and there is ample evidence against the petitioner that the illicit liquor belongs to the petitioner. As, Section 76 (2) of Bihar Prohibition and Excise Act is attracted which bars the anticipatory bail. As such in view of the allegation leveled against the petitioner as well as in light of the judgment of the full bench of this Court in the case of **Ramvinay Yadav v. State of Bihar PLJR 2019 (2)**, so I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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