

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89766 of 2024

Arising Out of PS. Case No.-315 Year-2024 Thana- AKHODHIGOLA District- Rohtas

Dablu Kumar @ Bablu Kumar S/O Sanjay Pasi R/o Village Padumtola Barhai
Gola, P.S.- Akorhigola, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-01-2025 Heard Mr. Ajay Kumar Prasad, learned counsel for
the Petitioner and Mr. Manoj Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Akorhigola P.S. Case No. 315 of 2024 dated 20.11.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, on 20.11.2024 Sub-Inspector, Binda Lal (informant) along with his constables was performing patrolling duty. On receiving secret information at about 3:35 P.M., they barricaded the road and then after ten minutes, three persons, including the driver, came near the barricading. When they were signaled to stop, the driver (petitioner) stopped the tempo and all the accused tried to run away. On chasing, two accused persons were apprehended but



the driver fled away. The apprehended co-accused disclosed the name of the driver as Dablu Kumar @ Bablu Kumar (petitioner). On search, the police recovered total 170.06 litres of illicit country made liquor from the alleged tempo.

4. The main submissions advanced by learned counsel for the petitioner are that the petitioner has fair and clean antecedent and as per the prosecution story, 170.06 litres country made liquor is alleged to have been recovered from the tempo of the petitioner but in fact, the petitioner had no knowledge of the seized liquor as the same was packed in sealed cartons, the petitioner was only serving his duty as a tempo driver and his tempo was hired by the co-accused persons who claimed that they need to take medicine cartons to Akorhigola and on believing them, the petitioner was unknowingly taking the co-accused persons with their articles without having knowledge of the nature of the materials present in the cartons.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submits that the instant matter relates to the recovery of huge quantity of country made liquor admittedly from the tempo of this petitioner.

6. Having considered the recovery of large quantity of country made liquor from the tempo of this petitioner and also



the fact that upon seeing the police party, he managed to escape and this conduct of the petitioner goes against him and fails to persuade this Court to form the opinion that the alleged offence punishable under Bihar Prohibition and Excise Act does not even *prima facie* attract against him, so, in view of the provision of Section 76(2) of the Bihar Prohibition and Excise Act, this Court finds the petitioner’s prayer to be not fit to be accepted. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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