

Special Judge, Excise Court No. 01, Aurangabad (Bihar).

A.B.P. 1718/2022

Kutumba P.S. Case No. 72/2022

Pawan Kumar @ Pappu Kumar Versus State.

U/S 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

09.11.2022.

The petitioner 1. Pawan Kumar @ Pappu Kumar apprehends his arrest in connection with the instant case registered U/S 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Heard both sides on anticipatory bail application filed on behalf of above named petitioner.

The learned defence lawyer of the petitioner submitted that petitioner is innocent and has falsely been implicated in this case. It is further submitted that no bail application on behalf of petitioner has been filed either before your honours court or Hon'ble High Court, Patna. There is no criminal antecedent against the petitioner. It is further submitted that nothing has been recovered from the possession of the petitioner. Petitioner was not present at the time of occurrence. So, petitioner may be allowed anticipatory bail.

The prayer for anticipatory bail petition has been opposed by the Spl. Excise P.P.. This anticipatory bail petition is not maintainable in view of provisions contained in Section 76 (2) of Bihar Prohibition and Excise (Amendment) Act, 2022.

Perused the record. Petitioner is named in FIR. Criminal antecedent as called for, has not been received. Allegation that on 14-04-2022, total 480 liters liquor was recovered from Bolero bearing registration no. BR-31PA1343 and co-accused Raj Kumar was arrested who told the name of petitioner who succeed to escape from Bolero. From perusal of case record, a prima facie case is made out against him.

Hence, anticipatory bail petition is not maintainable. Accordingly, the anticipatory bail application filed on behalf of the petitioner is hereby rejected.

(Dictated)

Special Judge, Excise Court No.-01,
Aurangabad.