

conscious possession. He further submits that petitioner has got one criminal antecedent in which he is on bail as stated in Para-3 of his bail 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, case diary and impugned order dated 22.08.2024, it appears that the petitioner is the registered owner of the said truck and from para-55, 56, 57, 61 and 63 of the case diary, 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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