

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42051 of 2021

Arising Out of PS. Case No.-441 Year-2020 Thana- DAUDNAGAR District- Aurangabad

Rinku Das Son of Tapeswar Das Resident of Village- Dabgar Tol, Ward
No.17, P.S.- Daudnagar, Ditriect- Aurangabd (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 15-12-2021 Let the defects, if any, be removed within four weeks
after complete start of the physical Court.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection
with Daudnagar P.S. Case No.441 of 2020, registered for the
offence punishable under Section 30(a)/34 of the Indian Penal
Code.

Petitioner has got a criminal antecedent vide
Daudnagar P.S. Case No.85 of 2020, which relates to recovery
of liquor from the house of the petitioner. In this case recovery
was made behind the house of the petitioner which was an open
place.

Submission is that the petitioner has already been



granted bail in Daudnagar P.S. Case No.85 of 2020.

Considering the criminal antecedent of the petitioner and presumption under Section 32 as well as consequent bar of prayer for anticipatory bail under Section 76(2) of Bihar Prohibition and Excise Act, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner within two weeks, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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