

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33857 of 2020

Arising Out of PS. Case No.-160 Year-2020 Thana- KAKO District- Jehanabad

Nagendra Kumar @ Dabla, Male, Aged about 35 years, S/o Deepa Prasad
Resident of Kako Road, Nizamuddinpur, near BSNL- Tower, P.S.- Jahanabad,
District- Jahanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
For the State : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Hemant Kumar Karan, learned counsel
for the petitioner and Mr. Nand Kumar, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner apprehends arrest in connection with
Kako PS Case No. 160 of 2020 dated 09.08.2020 (Excise Case
No. 605 of 2020), instituted under Sections 272/273/34 of the
Indian Penal Code and 30(a) of the Bihar Prohibition and Excise
Act, 2016 (hereinafter referred to as the 'Act').

4. As per the FIR, Amar Kumar, who was apprehended
by the police with 5.5 litres of liquor, has stated that the wine
was being brought by the liquor trader Gaurav Kumar and on



his instruction, it was being given to the petitioner for sale and distribution to different persons and further it has been stated that on 23.07.2020 liquor was carried by the petitioner in his Scorpio to his copy manufacturing office from where six bottles was taken by co-accused Dilip Kumar for sale.

5. Learned counsel for the petitioner submitted that he has no connection with the recovered wine and is a simple businessman. It was submitted that his nephew is involved in the trade of liquor and because of him he has also been implicated. Learned counsel submitted that there has been no recovery from his premises. Learned counsel submitted that just on the basis of suspicion on account of the statement made by the arrested, Amar Kumar, the petitioner without any cogent evidence, has been made accused in the present case.

6. Learned APP submitted that the petitioner carries criminal antecedent and is accused in another case under the Act and, thus, he is a habitual offender. It was further submitted that there is no occasion for the arrested person to disclose the details of the activity of the petitioner and him having correctly disclosed that the petitioner has a copy manufacturing unit and has a Scorpio vehicle clearly shows that there is no false implication.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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