

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48856 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- BIDUPUR District- Vaishali

Kundan Rai S/o Begam Rai @ Degan Ray R/o village- Daudnagar, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha

For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 04-11-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner apprehends his arrest in Bidupur P.S.
Case No. 94 of 2022, registered for the offence punishable
under Section 30(a)(d) of the Bihar Prohibition and Excise Act,
2018.

5 litres of illicit liquor has been recovered from
Diyara of Ganga River.

It is submitted that nothing has been recovered from
conscious possession of this petitioner. Recovery has been made
from open place which is accessible to general public. Petitioner
has got criminal antecedent one of the similarly situated co-
accused has been granted anticipatory bail by this Court.

Counsel for the State vehemently opposed the bail



application and submitted that petitioner has got criminal antecedent of similar nature.

Considering the criminal antecedent of similar nature, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected in view of the provision 76(2) of the Bihar Prohibition and Excise Act.

(Prabhat Kumar Singh, J)

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