

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37457 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- RIGA District- Sitamarhi

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Kush Kumar, Son of Rambali Paswan, Resident of village - Balha Mushari,
P.S. - Parsauni, Distt. - Sitamarhi, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Riga P.S. Case No. 377 of 2022 registered for
the offence punishable under Sections 414 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. There is recovery of the total 585 liters illicit liquor
from 5 vehicles during the course of routine checking. Seven
persons have been arrested. The arrested person has named the
petitioner as being one who fled away.

4. The learned counsel for the petitioner submits that
owing to his antecedents arising out of two cases as per details
in paragraph 3, he has again been implicated in this case. The
petitioner was not present at the time of occurrence and



implication is based on exculpatory statement of co-accused, having no sanctity in the eyes of law.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

6. Considering the rival submissions and the fact that the petitioner has criminal antecedents, this Court is not inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Prayer for anticipatory bail of the petitioner is rejected.

(Madhuresh Prasad, J)

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