

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76781 of 2023

Arising Out of PS. Case No.-373 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Mithu Kumar @ Mithi Kumar Son Of Sikindar Sah R/O Vill - Harsingpur,
P.S. - Runni Saidpur, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smiti Bharti

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Runnisaidpur P.S. Case No. 373 of 2023 registered for the offences punishable under Sections 30(a), 32(i)(ii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, pending in the Court of learned Exclusive Special Excise Court-1, Sitamarhi.

3. As per the prosecution case, on the basis of secret information, the informant along with police personnel reached near Ram Janki Math and on seeing the police, some persons began fleeing away from the contained truck from which one person was apprehended and 7-8 persons succeeded in fleeing away. On search, 1921.65 liters of foreign liquor was recovered and seizure list was prepared accordingly.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. She submits that the petitioner's name has been transpired on the basis of confessional statement of apprehended co-accused, Hanumana Ram. The petitioner has three criminal antecedents as mentioned in para-3 of this application, but learned counsel for the petitioner fairly submits that the petitioner has one more criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the fact that the petitioner has four criminal antecedents, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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