

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19070 of 2024

Arising Out of PS. Case No.-1137 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Nikesh Kumar Singh, Son Of Late Shambhu Singh, Resident Of Tatma Toli,
Ward No.22, P.S.- K. Hat Sahayak, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with K. Hat (Sahayak) P.S. Case No. 1137 of 2023, for the offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about petitioner storing illicit liquor in his house and trading in it. A raid was conducted and recovery of 12.250 litres of illicit liquor was made from the house of the petitioner and the petitioner fled away from the spot when the raid was being conducted.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Seizure list has not been prepared in accordance with the provision of Code of Criminal Procedure. There is no recovery from the conscious possession of the petitioner and for this reason there could be no application of provision of Bihar Prohibition and Excise Act. Petitioner is accused in two other cases and he is on bail in that case.

5. Learned APP vehemently opposes the prayer for anticipatory bail. Learned APP submits that recovery of illicit liquor was made from the house of the petitioner so the petition for anticipatory bail is not maintainable.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been made from the house of the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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