

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22153 of 2024

Arising Out of PS. Case No.-1043 Year-2023 Thana- BIHAR District- Nalanda

Sumit Kumar Son of Mr. Ram Pravesh Paswan Resident of vill.-Bagnabad,
P.S.-Bihar, Distt.-Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Bihar Sharif P.S. Case No. 1043 of 2023 dated 11.12.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act and Section 25(1-B) of the Arms Act.

3. As per the prosecution case, total 500 ml of illicit country made liquor kept in a pouch and a country made pistol were recovered from the room situated on the second floor of the house of the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has no concern with



the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the recovery of a country made pistol has been made from the house of the petitioner. The seized liquor was recovered from the conscious possession of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the recovery of a country made pistol from the conscious possession of the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender before the Court below concerned within six weeks from the date of this order and pray for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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