

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37148 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Raj Kumar Singh @ Mukhia, Age about 27 years (M), Son of Vidya Singh,
R/O Vill.- Bhagwatipur, P.S.- Udwantnagar, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation in the FIR, total 104 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated and nothing has been recovered from the conscious possession of the petitioner. He next submits that some of the co-accused persons have already been granted regular bail by a Co-ordinate Benches of this Court and one co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court. Petitioner has got two criminal antecedents in the same nature of the offence.



5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner. He next submits that if anticipatory bail is granted to the petitioner, then it will affect the investigation. Further he submits that petitioner cannot be granted anticipatory bail in accordance with Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. On perusal of the first information report as well as impugned order dated 05.02.2024, it appears that the name of the petitioner has been transpired on the basis of the arrested co-accused persons and petitioner has got two criminal antecedents in the same nature of the offence and investigation is at initial stage, moreover anticipatory bail is not maintainable as per provision laid down under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, so considering all aspects of the matter, I am not inclined to grant anticipatory bail to the petitioner.

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

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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