

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51062 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- KANHHAULI District- Sitamarhi

Shiv Nandan Biatha @ Shiv Nandan Kumar S/O Raktu Baitha @ Ravindra Baitha @ Ravindra Rajak R/O Village- Ramnagra, P.S- Kanhauli, Distt.- Sita-marhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kanhauli P.S. Case No. 47 of 2024 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Prosecution case in a nutshell is that 396 litres nepali liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Petitioner bears 11 criminal antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer is *rejected*.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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