

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49515 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- PHULWARIYA District- Gopalganj

Vikash Kumar Male, aged about 20 years, son of Harishankar Singh, resident of Village – Rampur Kala Majirwa, P.S – Phulwariya, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 06-09-2024 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 Amendment Act, 2018.

3. As per allegation in the FIR, police recovered total 93.06 litre illegal liquor from a secret compartment of Bolero car bearing registration number BR01-HB-1471 and apprehended three persons who disclosed that petitioner has purchased the said liquor from U.P. and handed over to them.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He next submits that from perusal of the FIR, it appears that neither the petitioner has been apprehended on the spot nor any incriminating articles have been recovered from his possession,



even though, no one has come forward to say that the petitioner was seen at the spot. He further submits that the name of the present petitioner surfaced from the confessional statement of the co-accused person. Petitioner has got two criminal antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner. He further submits that petitioner was acting as a drug peddler and giving location of police to the co-accused persons and there is specific allegations against the petitioner under the provision of Bihar Prohibition and Excise Amendment Act and petitioner has got two similar nature of antecedent against him and investigation of this case is still going on.

6. On perusal of the first information report, seizure list, case diary and impugned order dated 01.06.2024, it appears that petitioner's role is of drug peddler and there is specific allegations against the petitioner for selling the liquor and has got two similar nature of antecedent against him and on perusal of case diary in para no. 3, 4 and 5, witnesses have supported the case of prosecution, so I am not inclined to grant anticipatory bail to the above named petitioner.

7. Accordingly, the prayer for anticipatory bail of the



petitioner is hereby rejected.

8. However, if the petitioner surrenders before the trial Court within a period of 30 days from today, then the trial Court may consider his regular bail of the petitioner on the same day without being prejudice by this order.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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