

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51299 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Kishu Kumar @ Kishu Gupta Son of Late Mahabir Prasad Resident of Vill-
Henari Bazar, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Motihari Town P.S. Case No. 171 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act.

3. Prosecution case in a nutshell is that there is
recovery of 100 litres liquor from the house of this petitioner.

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.
It is submitted that petitioner was not present at the time of
occurrence. Petitioner has no concern with the recovered liquor.



There is no compliance of Section 100 Cr.P.C. Petitioner bears six criminal antecedents. It is next submitted that other co-accused has been granted bail by this Court *vide* order dated 06-05-2024, passed in Cr. Misc. No. 33661 of 2024.

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 rival submissions made by the learned counsel for the parties, taking into account the fact that recovery is made from the house of the petitioner and petitioner having six criminal antecedent, this Court is not inclined to grant anticipatory bail to the petitioner.

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

8. 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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