

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54964 of 2024

Arising Out of PS. Case No.-76 Year-2022 Thana- SUPPI District- Sitamarhi

Niraj Kumar Singh @ Niraj Singh Son Of Lalan Singh Village- Basant
Khurd, PS- Suppi, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act pending in the Court of Exclusive Special Excise Court- I, Sitamarhi/ concerned Court.

3. As per the prosecution case, the F.I.R. has been lodged against five named accused persons including the present petitioner. The total recovery of 234 litre illicit liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the seizure list, it transpires that the recovery of wine has been made from two places. 200 litre wine has been recovered from a ditch, whereas 34 litre wine has been recovered from a motorcycle and the said motorcycle does not

belong to the petitioner. He further submits that the petitioner has not apprehended from the place of occurrence rather his name has figured in this case by virtue of the apprehended accused persons. He further submits that the only negative aspect which is against the petitioner is that his antecedent is not clean but he is on bail.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the earlier case of the petitioner was also of excise matter, though in the present case, he has not been apprehended from the place of occurrence, nor anything has been recovered from his possession.

6. In the present facts and circumstances of the case and considering the antecedent of the petitioner, I am not inclined to grant anticipatory bail to the petitioner and, therefore, his bail petition is hereby rejected.

7. However, liberty is hereby granted to the petitioner that when he surrenders before the Court below within four weeks from today, then the trial court without being prejudice from the rejection order, shall pass order on merit on same day, considering that nothing has been recovered from his possession and he has not been apprehended from the place of occurrence.

(Dr. Anshuman, J)

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