

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55142 of 2024

Arising Out of PS. Case No.-439 Year-2024 Thana- KADAMKUAN District- Patna

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Jitendra Kumar S/o Bimlesh Yadav R/o vill - Salimpur Ahra, Daldali Road,
P.S. - Kadamkuua, Distt. - Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Ranjan Sinha, Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2024 Heard Mr. Sushil Ranjan Sinha, learned counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned APP for

the State.

2. The petitioner is apprehending his arrest in connection with Kadam Kuan P.S. Case No. 439 of 2024 for the offence under sections 30(a) of Bihar Prohibition and Excise Act, 2022 lodged on 15.06.2024 by the informant, Ranjit Kumar.

3. As per the prosecution story, the police had gone to Dinkar round about to remove the crowd that had assembled and in the process got information that liquor is being supplied through a rickshaw. It was intercepted near the temple and 54 litres of foreign wine has been recovered/seized. One Bishwanath Mandal was arrested and he gave the address of godown whereafter, the same was also raided. Another Dhiraj Kumar @ Mantu was arrested and there is recovery /seizure of 1687.95 litres liquor. Dhiraj Kumar gave the name of this petitioner. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that neither was he on the rickshaw nor in godown, has been implicated only on the ground of confession of Dhiraj Kumar. Though he concedes that he has got criminal antecedent.

5. Learned APP opposes the prayer submitting that the petitioner not only has got criminal antecedent but also he was an active member along with Dhiraj Kumar and from the go-down a huge quantity of illicit liquor has been recovered/seized.

6. Considering the seizure that has been made, his name has cropped up, though in the petition it was incorporated that he has got no criminal antecedent, subsequently, a supplementary affidavit has been filed stating therein that he has got criminal antecedent of the similar nature. In that circumstance, it would be appropriate that he seeks bail. The present application for anticipatory bail stands rejected.

7. However, if the petitioner surrenders within four weeks from today and seeks bail, the same shall be taken up and disposed of preferably on the same day.

(Rajiv Roy, J)

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