

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58351 of 2024

Arising Out of PS. Case No.-31 Year-2022 Thana- MADANPUR District- Aurangabad

Nitesh kumar @ Nitesh Kumar singh S/o Bhola Singh R O Village Uchauli
P.S Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Mukul Kumari, Advocate
For the State : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 10.875 litres foreign liquor has been recovered from the house of this petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of this petitioner and he is in no way connected with the aforesaid recovery.

5. On the other hand, learned APP appearing for the State submits that illicit liquor has been recovered from the house of this petitioner and he has also got one criminal



antecedent of similar nature. It is further submitted that this pre-arrest bail petition is not maintainable in view of decision of the Full Bench of this Hon’ble Court rendered in the case of ***Ram Vinay Yadav vs. The State of Bihar*** reported in ***2019(2) P.L.J.R. 1089 (F.B.)***.

6. Considering the aforesaid decision of this Court, this pre-arrest bail petition is dismissed as not maintainable.

(Prabhat Kumar Singh, J)

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