

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63031 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- DIGHA District- Patna

Abhishek Kumar @ Abhishek Singh Son Of Kamlesh Singh @ Kamlesh Prasad Singh Resident Of Village - Amba, P.S. - Teghara, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Digha P.S. Case No. 223 of 2024 dated 12.04.2024, lodged under Sections 414, 420 of the Indian Penal Code read with sections 30(a), 32 of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending before the learned Special Judge, Excise Court No.2, Patna.

3. As per the prosecution story, FIR has been lodged against three named accused persons (including the present petitioner) and owner of a vehicle. Total 56.34 *litres* of illicit liquor has been recovered 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. Counsel submits that the petitioner is a student and a sympathetic view may be taken towards him. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him related to Bihar Prohibition and Excise Act in which he is on bail. Counsel also submits that in future, the petitioner shall not commit such mistake.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. It is directed to the petitioner to surrender before the learned Court below within a period of 4 weeks from today. In case, the petitioner surrendered within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the



anticipatory bail of the petitioner has been rejected by this Court
and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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