

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75617 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- DESARI District- Vaishali

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Kishan Kumar @ Rajeev Kumar S/o- Bhagirath Singh @ Santosh Kumar
Village- Rajapakar ward no 3 PS- Rajapakar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Desari (Sahdeai O.P.) P.S. Case No. 318 of 2023 lodged on
18.09.2023, for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 403.56
litres of foreign liquor has been recovered which is the subject
matter of the present case.

4. Learned Counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that petitioner has not been apprehended from the place
of occurrence and also alleged foreign liquor has not been
recovered from his possession. Counsel further submits that
name of the petitioner has been figured in this case only due to
the reason that the recovery of alleged foreign liquor has been



made from a vehicle which is registered in the name of petitioner. Counsel submits that the criminal antecedent of the petitioner is not clean as there are five criminal cases pending against him. The petitioner is in custody since 28.08.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that petitioner has not been apprehended from the place of occurrence, but it is also true that his vehicle was used in commission of crime carrying the excise material. Counsel further submits that all the criminal cases which are pending against the petitioner is related to Bihar Prohibition and Excise Act and the present case is also of similar nature.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected with liberty that he may renew his prayer for bail six months after framing of charge.

(Dr. Anshuman, J)

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