

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83908 of 2024

Arising Out of PS. Case No.-1932 Year-2024 Thana- Excise P.S. District- Patna

Rajesh Kumar @ Dipu Gupta Son of Ramesh Prasad @ Ramesh Saw R/O
Salimpur Ahra, Lane No. 03, P.S.- Ghandhi Maidan, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shams Akhtar
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Excise Patna P.S. Case No. 1932 of 2024 registered under
Section 30(a), 56(b) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the first information report a total quantity of 65.34
liters of foreign liquor has been recovered from a two room flat
of a building and regarding ownership of the illicit liquor it is
alleged that the same belongs to the petitioner- Rajesh Kumar @
Dipu Gupta.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has not committed any offence in the
manner alleged. He submits that recovery has been made from
the premises of the co-accused and the petitioner has no concern



with the said premises. He further submits that no illicit liquor has been recovered from the conscious possession and / or premises belonging to the petitioner. He next submits that during search and seizure the Police did not follow the provisions contained in Section 100 Cr.P.C.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that petitioner is a habitual offender having four criminal antecedents of similar nature of offence relating to Excise Act, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

(Anil Kumar Sinha, J)

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