

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4290 of 2025

Arising Out of PS. Case No.-1210 Year-2024 Thana- Excise P.S. District- Aurangabad

Nirbhay Kumar @ Dheeraj S/O Braj Kishore Singh R/O Village- Rasalpur,
P.S- Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-03-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with G.R. No. 2112 of 2024 arising out of Excise P.S. Case No. 1210 of 2024 dated 06.12.2024 registered under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018 and Section 41(1), 41(2) of the Bihar Prohibition and Excise Act, 2016.

3. As per the First Information Report the petitioner- Nirbhay Kumar @ Dheeraj was driving the motorcycle bearing Registration No. JH14H-1087 and fled away from the place of occurrence leaving the motorcycle. Upon search, the Police party recovered 51.84 liters of foreign liquor from the said motorcycle.

4. Ms. Mukul Kumari, learned counsel for the petitioner



submits that the petitioner is innocent and he has not committed any offence in the manner alleged. She submits that the petitioner is not the owner of the motorcycle from which illicit liquor has been recovered. The name of the petitioner has transpired in this case on the basis of confessional statement of the co-accused / Ankit Kumar and Pawan Kumar. She further submits that no any incriminating article has been recovered from the conscious possession of the petitioner and / or vehicle belonging to him.

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

(Anil Kumar Sinha, J)

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