

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23545 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- SAHJAHANPUR District- Patna

Shishu Kumar @ Niwas Kumar S/o Nawal Kumar @ Nawal Prasad R/o vill -
Singariyawan, P.S.- Shahjahanpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kahkashan Alam, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Shahjahanpur P.S. Case No. 18 of 2025 lodged on 05.03.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner. Total recovery of 9 litres of illicit liquor has been made 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 nothing has been recovered from the petitioner's possession and his name has come in this case only by virtue of the disclosure made by co-accused. Counsel submits that the criminal antecedent of the petitioner is not clean as there are



three cases pending against him and in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are three cases pending against him in which two cases are of the Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is hereby directed to the petitioner to surrender before the Trial Court within a period of six weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering the ingredients of Excise Act 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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