

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26864 of 2025

Arising Out of PS. Case No.-126 Year-2025 Thana- DUMRA District- Sitamarhi

Mithu Kumar S/O Satendra Sah Resident of Village- Harsingpur, P.S- Gadha,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Dumra P.S. Case No. 126 of 2025 lodged on 19.03.2025, 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 the sole petitioner. Total recovery of 17.64 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 the alleged recovery has been made from a scooty which does not belong to the petitioner and his name has come in this case on the basis of secret information. Counsel submits that nothing has been recovered from the petitioner's possession



as such, there is no ingredients of excise act made out against the petitioner. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are six 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 the petitioner is a habitual offender as his criminal antecedent is not clean and there are six cases pending against him and all cases are of 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.

(Dr. Anshuman, J)

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