

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52692 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- DHANARUA District- Patna

1.

Sintu Kumar, aged about 29 years (Male) S/O Sri Surendra Kumar R/O Village- Maharaj Chak, P.S- Masaudhi, Distt.- Patna.
2.

Godhan Kumar @ Bimlesh Kumar @ Vimlesh, aged about 19 mears(Male) S/O Sri Niranjana Chaudhary, R/O Village- Chiraiyatana, P.S- Jehanabad, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Dhanarua P.S Case No. 115 of 2024 instituted for the offence punishable under Sections 30(a), 45 of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation in the FIR, total 240 litres of foreign liquor was recovered from a four wheeler Tata Safari bearing registration no. WB26R4433.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that petitioners are not named in the FIR.

5. Learned APP appearing for the State has opposed the prayer for bail of the petitioners and submits that granting



anticipatory bail to the petitioners may affect the investigation of this case and the present petition is barred by Section 76 (2) of Bihar Prohibition and Excise Act, 2016, so the prayer for the anticipatory bail of the petitioner be rejected.

6. From perusal of the F.I.R., seizure list, impugned order dated 31.05.2024 and case diary, it appears from para-75 of the case diary that the mobile no. 7765650498 which belongs to co-accused Nitish Kumar was found at the place of occurrence and at the time of occurrence, one call was made to the petitioner namely Sintu Kumar at his number from the above mentioned phone number and petitioner no.1 namely Sintu Kumar also got criminal antecedent of the similar nature of offence. Considering the facts and circumstances of the case and submissions canvassed by learned counsel for the parties, the present petition is barred by Section 76 (2) of Bihar Prohibition and Excise Act, 2016, so I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, prayer for anticipatory bail of the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

U		T	
---	--	---	--

