

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52191 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Deepak Kumar Son of Hira Lal Prasad Resident of Vill- Bithuna, P.S.-
Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP-84.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Baikunthpur P.S Case No. 143 of 2024 instituted for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation in the FIR, total 835 litres of illicit spirit from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner is named in the FIR and he has got one criminal antecedent in the same nature of the offence as stated in para-3 of the petition.



5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner and submits that granting anticipatory bail to the petitioner may affect the investigation of this case.

6. From perusal of the F.I.R., seizure list and impugned order dated 13.06.2024, it appears that petitioner has got one criminal antecedent in the same nature of the offence and the alleged recovery of illicit spirit from the conscious possession of the petitioner and 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 petitioner.

8. Accordingly, prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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