

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58818 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

Shivku Paswan Son of-Dukhi Paswan Residen Of Village-Bhachhi,via-
Anandpur,P.S-Baheri,District-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Thakur, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Town P.S Case No. 59 of 2024 corresponding to G.R. No. 190 of 2024 instituted for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act 2022 (ameneded).

3. As per allegation in the FIR, total 315 litres of illicit liquor has been recovered from the tempo.

4. Learned counsel for the petitioner submits that petitioner has no criminal antecedent except this case. He also submits that petitioner is innocent and he has not committed any



offence. He has been falsely been implicated in this case.

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, impugned order and case diary, it appears that petitioner is the registered owner of the said tempo. *Prima facie*, it appears involvement of the petitioner in this case.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the present anticipatory bail petition is barred by Section 76(2) of Bihar Prohibition and Excise Act, 2016, 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)

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