

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61971 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- DARPA District- East Champaran

Mithilesh Mukhiya Son of Mangal Mukhiya Resident of Village - Tinkoni,
P.S. - Darpa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alka Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, 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 petitioner apprehends his arrest in connection with Darpa P.S Case No. 144 of 2023 instituted for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation in the FIR, total 187.5 litres of illicit Nepali Kasturi liquor has been recovered from a Pokhar which is open space.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner has got one criminal antecedent 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 02.04.2024 it appears that the present petitioner is identified by arrest co-accused persons and petitioner has got one criminal antecedent in the same nature of the offence as stated in para-3 of the petition

7. Considering the facts and circumstances of the case and submissions of 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.

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

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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