

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66050 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- Excise P.S. District- Nalanda

Roshan Kumar Son of Ganesh Yadav R/v-Kalyanpur, P. S. -Deepnagar,
District -Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Sujata Sinha, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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

ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Excise (Nalanda) P.S Case No. 150 of 2024 instituted for the offence punishable under Sections 30(a)(c)(d)(f), 33, 34, 35 and 36 of the Bihar Prohibition and Excise Amendment Act.

3. As per allegation in the FIR, total 23 litres of illicit spirit as well as 24.690 liters of illicit foreign liquor 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 three criminal antecedents, out of which, 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 and the said liquor was recovered from the house of the mother of the petitioner as also the present petitioner.

6. From perusal of the F.I.R., seizure list and impugned order dated 07.06.2024, it appears that petitioner has got three criminal antecedents, out of which, one criminal antecedent in the same nature of the offence and the alleged recovery of illicit spirit as well as foreign liquor 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.

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

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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