

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69185 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- NAUTAN District- Siwan

Hemant Kumar @ Fulsagar Singh Son of Shivrath Singh Resident Of Village
Ekdanga Tola Nerui, PS- Mirganj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, 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 Nautan P.S Case No. 247 of 2023 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 148.770 foreign
liquor has been recovered from a Hindia I-20 car bearing
registration NO.BR29AD-3673 and the petitioner is the
registered owner of the said vehicle.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that petitioner has got two criminal antecedents, out of



which, one criminal antecedent in the same nature of the offence as stated in para-3 of the petition and he has no concern with the seized article.

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 04.09.2024, it appears that petitioner has got two criminal antecedents, out of which, one criminal antecedent in the same nature of the offence and the alleged recovery of illicit liquor has been recovered from a Hyundai I-20 car which belongs to 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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