

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89713 of 2024

Arising Out of PS. Case No.-285 Year-2024 Thana- BIBHUTIPUR District- Samastipur

1. Dipak Kumar @ Lulha Son of Budhan Mahto Resident of Village - Vibhutipur, Ward No.6, P.S. - Bibhutipur, District - Samastipur
2. Subhas Kumar Son of Budhan Mahto Resident of Village - Vibhutipur, Ward No.6, P.S. - Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-01-2025 Learned counsel for the petitioners seeks permission to withdraw the bail application with respect to petitioner no. 1, namely, Dipak Kumar @ Lulha, since during the pendency of this case, he has been arrested.

2. Permission is accorded.

3. Accordingly, the bail application with respect to petitioner no. 1 is dismissed as withdrawn.

4. Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

5. The petitioner apprehends arrest in a case registered under Section 30(a) of Bihar Excise Act.

6. As per prosecution case, 10 liters illicit liquor has



been recovered from the house of the petitioner.

7. Learned counsel appearing for the petitioner submits petitioner is innocent and has falsely been implicated in the present case merely on the confessional statement of local *Chowkidar*. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has got one criminal antecedent of similar nature in which, he is on bail.

8. Learned A.P.P. for the State opposed and submits that alleged recovery of illicit liquor was made from the house of the petitioner. He further submits that this application for grant of anticipatory bail to the petitioner is not maintainable in view of Full Bench decision of this Court rendered in the case of ***Ram Vinay Yadav vs. The State of Bihar*** reported in **2019(2) P.L.J.R. 1089 (F.B.)**.

6. Considering the aforesaid facts, anticipatory bail application of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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