

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16348 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- PIRBAHOR District- Patna

VINAY KUMAR S/O LATE RAJENDRA PRASAD YADAV Resident of
Bhikna Pahari, P.S.- Pirbahore, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Anis Akhtar

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Town Pirbahore P.S. Case no. 356 of 2020 instituted for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information,
police has reached at the house of the petitioner and a recovery
of 44.85 litres IMFL has been made from there. One co-accused
Kunal Kumar was apprehended on spot, who disclosed the name



of the person, who succeeded in fleeing away as the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that the alleged house belongs to the petitioner from where recovery has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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