

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31506 of 2020

Arising Out of PS. Case No.-242 Year-2020 Thana- GHORASAHAN District- East
Champaran

-
1. Amit Kumar @ Amit Kumar Singh, aged about 22 years (M) son of Awadhesh Singh,
 2. Awadhesh Singh, aged about 50 years (M), son of Jagat Singh,
Both residents of Village - Sathaura, P.S.- Jitna, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-01-2021 Heard learned counsel for the petitioners and Mr. Harendra Prasad, learned Additional Public Prosecutor appearing for the State.

At the very outset, learned counsel for the petitioners submits that during the pendency of this anticipatory bail application the petitioner no. – 2 namely, Awadhesh Singh has been arrested as such this application against him has become infructuous.

Learned counsel thus seeks permission to withdraw this anticipatory bail application against the petitioner no. – 2.

Permission is granted.

Accordingly, this application is dismissed as



withdrawn as against the petitioner no. 2.

In so far as petitioner no. – 1 is concerned, he apprehends his arrest in connection with Ghorasahan (Jitna) P.S. Case No. 242 of 2020 registered for the offence under Sections 272, 273, 34 of the I.P.C. and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is that 27.2 liters of illicit liquor has been recovered from the shop of the petitioner no. – 1.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive and he has not committed any offence in the manner alleged. Learned counsel next submits that petitioner has got no criminal antecedent and the illicit liquor in question has not been recovered from his conscious possession.

Having regard to the submissions made by learned counsel for the parties, taking into consideration the materials available on record and the allegation against the petitioner in the First Information Report and the seizure list from where it appears that illicit liquor in question has been recovered from the shop of the petitioner, I am not inclined to exercise my discretion for grant of anticipatory bail to the petitioner in view



of the Full Bench judgment of this Hon'ble Court passed in Cr.
Appeal (SJ) No. 431 of 2019 (Ram Vinay Yadav vs. The State of
Bihar).

Accordingly, this application is rejected.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

