

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33933 of 2020

Arising Out of PS. Case No.-160 Year-2020 Thana- KAKO District- Jehanabad

Kariyawa @ Santosh Kumar, Male, aged about 38 years, son of Late Arjun Sah Resident of at Saryu Market, P.O. and P.S.- Jahanabad, District- Jahanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
For the State : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 19-03-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Hemant Kumar Karan, learned counsel for the petitioner and Ms. Rina Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Kako PS Case No. 160 of 2020 (Excise Case No. 605 of 2020) dated 09.08.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that he was indulging in the business of home delivery of liquor which was disclosed by the person who was arrested with 5.5 litres of wine.



5. Learned counsel for the petitioner submitted that he has no criminal antecedent and has been falsely implicated. It was submitted that no liquor has been caught from his house and further that the person who was arrested has taken his name with *mala fide* intention. Learned counsel submitted that the arrested person Amar Kumar has been granted bail by the Court below.

6. Learned APP submitted that the allegation is that the petitioner used to take wine from the person who was arrested for home delivery which clearly shows that he is in the business of liquor. It was further submitted that co-accused Nagendra Kumar @ Dabla has been refused anticipatory bail in the present case and he was also one of the persons whose name was taken by the arrested Amar Kumar. It was further submitted that Amar Kumar has been granted regular bail by the Court below. Learned APP submitted that there is no reason for the arrested person to take the name of the petitioner and, thus, it cannot be said to be a case of false implication, at least at this stage.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.



9. However, on prayer made by learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below within four weeks from today and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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