

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8913 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- RAJAPAKAR District- Vaishali

JINDA KUMAR Son of Dinesh Rai, Resident of Village - Rajasan, P.S.
Bidupur, Dist. - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

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

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.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30 (A) of the Bihar Prohibition and Excise Act, 2018.

It is alleged that recovery of total 50 liters of country made liquor from the motorcycle of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner. The petitioner is not named in the FIR and he has implicated in this case because he is owner of the motorcycle. The petitioner has got no criminal antecedent, which is mentioned in para 3 of the bail application.



Learned APP for the State vehemently opposes the prayer for bail application.

Having heard learned counsel for the parties and going through the impugned order dated 25.09.2020 passed in ABP No.2132/2020, it is evident that the witnesses have supported the prosecution case, this court is not inclined to grant bail to the petitioner and as such, his application for anticipatory bail is rejected in connection with Rajapakar (Barati) P.S. Case No. 15/2020 from the Court of learned 2nd Additional Sessions Judge cum Special Judge, Excise Court, Vaishali at Hajipur.

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

(Sunil Kumar Panwar, J)

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