

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5645 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

BAIJU SHAH S/O JHURKHUN SAH R/O VILLAGE NAWANAGAR,
BAZAR BANO, P.S.-SAHEBGANJ, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jyotsna Rani Mishra

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-12-2021 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 Sahebganj P.S. Case no. 296 of 2020 instituted for the offence punishable under Sections 272, 273 and 34 of the Bihar Prohibition and Excise Act, 2016 and section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation in the FIR, 23.100 liter of IMFL has been recovered from the joint possession of the petitioner and co-accused Amit Kumar from a rented room.



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 physical possession.

Learned APP appearing for the State has submitted that this is not a fit case for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration that the petitioner has taken the room on rent from which the recovery of illicit liquor 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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