

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3397 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- PHENHARA District- East Champaran

DHIRAJ RAUT SON OF RAMNATH RAUT RESIDENT OF VILLAGE -
BHOPATPUR, P.S. - KOTWA BHOPATPUR, DISTRICT - EAST
CHAMPARAN Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Phenhara P.S. Case no. 60 of 2020 instituted for the offence punishable under Sections 288 and 290 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, in course of night patrolling, police party has received a secret information that a white colour pickup van bearing Registration No. BR05GB8827 is coming with wine. After getting this information, police reached at the indicated place where he stopped the alleged vehicle and driver and khalsi were apprehended. On search a 1332 litres of IMFL has been recovered from the alleged vehicle, which belongs to 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 physical possession. In fact, petitioner has given his alleged pick-up van to FCI on rent.

Learned APP appearing for the State has asserted that the petitioner is registered owner of the alleged pick-up van.

Having heard learned counsel for the parties and taking into consideration that petitioner is registered owner of the alleged vehicle, from where recovery of illegal 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 shall 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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