

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4744 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- GAIGHAT District- Muzaffarpur

RAMSWAROOP KUMAR @ RAMSWAROOP SAHNI SON OF
MAHENDRA SAHNI RESIDENT OF VILLAGE- RATANPURA, POLICE
STATION- BOCHAHAN, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-11-2021 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 Gaighat P.S. Case no. 117 of 2020 instituted for the offence
punishable under Sections 272 and 273 of the Indian Penal
Code and section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per allegation in the FIR, acting on a tip off, police
party reached at the place of occurrence and saw that huge



number of boxes were carrying by some accused persons for load on a truck, Bolero pickup van and motorcycles. Seeing the police party all the persons started fleeing away but taking the advantage of darkness they fled away. And on search, a total of 345.60 litres of IMFL have been recovered from the Bolero Pickup van, 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. Petitioner has got no concern with the liquor business or with the apprehended persons. His vehicle was simply parked near the place of occurrence and a false recovery has been shown. Petitioner has given his vehicle for rent. 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 opposed the prayer of bail.

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