

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5438 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- MINAPUR District- Muzaffarpur

VIJAY KUMAR @ VIJAY RAY SON OF VISHWNATH RAY R/O
VILLAGE- TURKI PURANI GHARARI, P.S.- MINAPUR, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Minapur P.S. Case No.50 of 2021, registered for the offence punishable u/s 30(a)/33 of the Bihar Prohibition and Excise Act-2018.

Altogether 35 litres of spirit, 42.370 litres of foreign liquor, 341 corks is said to have been recovered from the '*dalan*' of the petitioner and from an Alto car parked in front of '*Dalan*' 5.250 litres of foreign liquor and 120 sticker were recovered.



Two motorcycles were also seized from the spot. It is alleged that one of the motorcycle belongs to the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case due to enmity and dirty local politics. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said recovery has been made from the half constructed house of the petitioner, in which anyone can enter and the car does not belongs to the petitioner. Petitioner has no criminal antecedent, as mentioned in para-3 of the application.

Considering the aforesaid facts and circumstances, since the recovery has been made from the half constructed house of the petitioner, I am not inclined to enlarge him on bail. The prayer for anticipatory bail on behalf of the petitioner is rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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