

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11300 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- HARSIDHI District- East Champaran

1. HARI MAHTO @ HARI SHANKAR MAHTO S/o Late Kari Mahto Resident of Village- Rampurwa, P.S.- Harsidhi, District- East Champaran.
2. Nathuni Ram Son of Late Ganesh Ram Resident of Village- Rampurwa, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within three 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.

At the very outset, learned counsel for the petitioners seeks permission to withdraw this application only with regard to the petitioner no.2, as during pendency of this application, he has been apprehended by the police.

Permission is granted.

This application is dismissed as withdrawn as against



the petitioner no.2. Now, this application is being heard for consideration of anticipatory bail on behalf of petitioner no.1.

Petitioner no.1 apprehends his arrest in connection with Harsidhi P.S. Case No.9 of 2022, registered for the offence punishable u/s 272, 273, 34 of the IPC and section 30(a), 38(i) of the Bihar Prohibition and Excise Act.

Altogether 10 litres of country made liquor is said to have been recovered from the hut of 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 at the instance of his enemies. 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 road side behind the house of the petitioner in abandoned condition. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances,



since the recovery has been made from the hut of the petitioner no.1, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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