

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18624 of 2022

Arising Out of PS. Case No.-535 Year-2020 Thana- KHAIRA District- Jamui

BINOD KUMAR Son of Tulsi Yadav Resident of Village - Dumro, P.s.-
Khaira, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Parihar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-10-2022 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 Khaira P.S. Case no. 535 of 2020 instituted for the offence punishable under Sections 272, 273. of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 25 litres illicit country made liquor from a motorcycle 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 and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that the petitioner is the owner of the motorcycle.

Having heard learned counsel for the parties and taking into consideration that the alleged vehicle belongs to the petitioner, 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 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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