

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17062 of 2022

Arising Out of PS. Case No.-422 Year-2021 Thana- DESARI District- Vaishali

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1. KUNDAN SINGH @ KUNDAN KUMAR SINGH Son of Lal Babu Singh Residnet of Village - Ganiyari, P.S.- Desri, District - Vaishali.
 2. Ankit Kumar @ Ankit Kumar Singh Son of Vijay Singh Residnet of Village - Ganiyari, P.S.- Desri, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners 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.

Petitioners apprehend their arrest in connection with Desri P.S. Case No.422 of 2021, registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

Altogether 10 litres of country made liquor along with other wine making articles is said to have been recovered from the spot and it is alleged that petitioners, who fled away from the spot are involved in the said syndicate of manufacturing liquor.



Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Their name transpired in this case on the disclosure of the chowkidar, with whom petitioners have some prior dispute. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. The recovery has been made from an abandoned place near the bank of river, which has no ownership of anyone. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances, since the petitioners are the members of the syndicate involved in manufacturing liquor, I am not inclined to enlarge them on bail. The prayer for grant of anticipatory bail on behalf of the petitioners named above is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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