

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24566 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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GOPAL SINGH S/o Ramprasad Singh R/o Village- Asinpur, Ward No.02,
P.S.- Samastipur Mufassil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Aprajita, Adv

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2022 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 undertaken period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.

Altogether 1.875 liters of foreign liquor is said to have been recovered from the house of the petitioner. The allegation against the petitioner is that he fled away from the spot after seeing police.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to ulterior motive. His name transpired in the case on the basis of suspicion. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor. Petitioner is not the owner of the house. The alleged house is the joint property of the petitioner and his family members. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the bail application and submits that the said recovery has been made from the house of the petitioner.

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

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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