

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26139 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- BENIPATTI District- Madhubani

NANAKI MAHTO SON OF RAJENDRA MAHTO R/O- VILL-
BANAKATTA, WARD NO.- 6, P.S.- BENIPATTI, DIST.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

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.

The petitioner apprehends his arrest in connection with Benipatti P.S. Case No.61 of 2022, registered for the offence punishable under Sections 272, 273/34 IPC and section 30(a) of the Bihar Prohibition and Excise Act.

Allegedly 7.500 litres of Nepali liquor is said to have been recovered from a motorcycle and 3.660 litres is recovered from the house of petitioner, who fled away from the spot on seeing the police.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has not been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has been made accused in this case on the basis that he is the owner of the house from where recovery has been made and on the disclosure of his name by local people, as the person who fled from the spot. He has no concern with the recovery of the illicit liquor or any trade of liquor. The said motorcycle does not belongs to the petitioner and the house is a joint family house in which he resides with other members. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, since the 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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