

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26949 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- RIVILGANJ District- Saran

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DHANAI BIN @ DHANANJAY BIN @ DHANAI MAHTO S/o Gajrath
Mahto R/o village- Purwi Jantola, P.S.- Rivilganj, Distt.- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned APP
for the State 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 30(A)/37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

Altogether 20 liters of foreign liquor is said to have been recovered from hut of the petitioner. The allegation against the petitioner is that he is involved in selling and purchasing of illicit liquor.

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 secret information. 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 has no concern with the said hut. He is neither the owner nor the care taker of the said house. Petitioner has one criminal antecedent of similar nature, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for grant of bail.

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.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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