

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26989 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- PATEPUR District- Vaishali

NISHANT KUMAR RAI @ NISHU Son of Vijay Rai Resident of Village -
Mahiya Malpur, P.S.- Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Raj Ballabh Singh

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 u/s 30(a)/32(ii)/38(ii)/41(i) of the Bihar Prohibition and Excise Act.

Altogether 2053.808 liters of foreign liquor is said to have been recovered from a pick up van, Tata Indigo car and a motorcycle. The allegation against the petitioner is that he along with other accused persons fled away from the spot.

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 the statement of co-accused namely Sanjay Kumar Sah. 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 recovered vehicles or with the co-accused persons. Similarly situated co-accused has been granted bail by a co-ordinate bench of this court vide order dated 08.04.2022 in Cr. Misc. No. 53019 of 2021. Petitioner has no criminal antecedent.

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

Considering the aforesaid facts and circumstances, since huge quantity of liquor has been recovered from the spot, 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)

shikha/-

U		T	
---	--	---	--

