

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29262 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- PURNEA SADAR District- Purnia

Vikash Kumar S/o Late Ramesh Uraon R/o village- Pothiyabad, P.S.- Sadar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary

For the Opposite Party/s : Mr. Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Purnea Sadar P.S. Case no. 213 of 2022 instituted for the offence punishable under Sections of 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 15 litres illicit country made liquor from the half constructed house of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case due to mere suspicion. He has got no



criminal antecedent. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that the place of recovery belongs to the petitioner.

Having heard learned counsel for the parties and taking into consideration that the alleged half constructed house belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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