

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29090 of 2022**

Arising Out of PS. Case No.-422 Year-2021 Thana- DESARI District- Vaishali

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MOHAN RAY S/o Munu Ray R/o Village- Ganiyari, P.S.- Desari, District-  
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hemant Kumar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      02-09-2022      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 Desari P.S. Case No.422 of 2021, registered for the offence punishable under Sections 30(a)(c) of the Bihar Prohibition and Excise Act, 2018.

Allegedly 10 litres of country made liquor is said to have been recovered from the spot and petitioner and other accused alleged to have fled away from the spot on seeing the police. It is further alleged that 9 drums of 200 litres capacity and Mahua



Java were destroyed at the spot itself.

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 been falsely implicated in this case due to ulterior motive. His name transpired in this case on the disclosure of his name by local Chowkidar. He has not been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. The said recovery has been made from the Bank of river Ganga, which does not belongs to the petitioner. He has no concern either with the recovery of the illicit liquor or any trade of liquor. There is no compliance of section 100 Cr.P.C. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, since the since the petitioner is a member of syndicate involved in manufacture of illicit liquor, 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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