

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29674 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- DERNI BAZAR District- Saran

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MUKESH RAY @ MUKESH RAI @ MUKESH KUMAR RAY SON OF
DINDAYAL RAY R/O VILLAGE- MAHESHIYA BATHANI, P.S.-
DERANI, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shrinath Manjhi, Adv.

For the Opposite Party/s : Mr.H.A. Khan, 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
Derani P.S. Case No.29 of 2022, registered for the offence
punishable under Sections 30(a)/37(c) of Bihar Prohibition and
Amendment Excise Act, 2016.

Allegedly 30 litres of country made liquor is said to have
been recovered from the '*Palani*' of petitioner, who is alleged to
have 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 been falsely implicated in this case due to ulterior motive. He has not been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. The said *Palani* is not in the ownership of petitioner and the same is a joint family property, which is situated at a large distance from his house and is used for keeping straw. He has no concern either with the recovery of the illicit liquor or any trade of liquor. Petitioner has one criminal antecedent.

Having regard to the facts and circumstances of the case, since the since the recovery has been made from the *Palani* of 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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