

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44343 of 2021**

Arising Out of PS. Case No.-23 Year-2021 Thana- RISIYAP District- Aurangabad

SARYOO PRAJAPATI Son of Late Chandrika Prajapati Resident of Village - Jagai, Police Station - Amba, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

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

3      29-01-2022      Heard the parties 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 stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with Risiyap P.S. Case No.23 of 2021, registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 50 bottles of country made liquor each containing 300 ml., is said to have been recovered from the motorcycle of the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case



due to illegal motive and political rivalry. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Allegation against the petitioner is that seeing the police, he fled away from the spot but the fact is that due to some mechanical fault, he stopped and locked his motorcycle near Pandey market and went to his house with other private vehicle but when his son returned there, the motorcycle was missing. Petitioner has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, since the recovery of liquor has been made from the motorcycle of the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner named above.

Accordingly, the instant anticipatory bail application is dismissed.

**(Anjani Kumar Sharan, J)**

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