

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45971 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- BALIYA District- Begusarai

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RAUSHAN KUMAR @ RAUSHAN RAI S/o Ramanuj Rai R/o village-
Sahpur Diyara, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Ballia P.S. Case No.117 of 2021, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

Allegedly 1215 litres of foreign liquor is said to have been recovered from the house of the petitioner which is situated in village Sahpur Diyara, who 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 not been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern with the recovery of the illicit liquor or any trade of liquor or the place of recovery. There is no compliance of Section 100 of the Cr.P.C. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, since the recovery has been made from house (*dera*) of the 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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