

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46852 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- MAJHAULIA District- West Champaran

JITENDRA BHAGAT S/O DARBARI BHAGAT R/o village- Paraspakadi,
P.S.- Maghaulia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Opposite Party/s : Mr.Umesha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2022 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 undertaken period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Excise Case No.23 of 2021, registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 5.280 liters of illicit liquor is said to have been recovered from the house 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. He has been falsely implicated in this case due to enmity. Petitioner has neither been apprehended on the spot nor



any incriminating article has been recovered from his conscious physical possession. The recovery is alleged to have been made from the house of the petitioner but the same is a joint house property. Petitioner has no concern either with the seized liquor nor has any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Considering the aforesaid facts, since the recovery has been made from the petitioner's house, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail made by the petitioner named above is hereby rejected.

The instant application is dismissed.

(Anjani Kumar Sharan, J)

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