

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37851 of 2022

Arising Out of PS. Case No.-422 Year-2022 Thana- MADHEPURA District- Madhepura

1. SANJAY SAH SON OF RAM BRIKSH SAH R/O VILLAGE-
JIWACHHPUR, WARD NO.-06, P.S.- MADHEPURA (BHARRAHI O.P.),
DISTRICT- MADHEPURA
2. BABLU KUMAR @ BABLU SAH SON OF RAM BRIKSH SAH R/O
VILLAGE- JIWACHHPUR, WARD NO.-06, P.S.- MADHEPURA
(BHARRAHI O.P.), DISTRICT- MADHEPURA
3. ASHISH KUMAR SON OF SANJAY SAH R/O VILLAGE-
JIWACHHPUR, WARD NO.-06, P.S.- MADHEPURA (BHARRAHI O.P.),
DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State through virtual mode.

Learned counsel for the petitioners 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.

At the very outset, learned counsel for the petitioners
seeks permission to withdraw this application as against the
petitioner nos.1 and 3, as they have been arrested during
pendency of this application.



Permission is granted.

The instant application with regard to petitioner nos.1 and 3 stands dismissed as withdrawn.

It is now being heard for consideration of bail as against petitioner no.2.

Petitioner no.2 apprehends his arrest in connection with Madhepura (Bharrahi O.P.) P.S. Case No.422 of 2022, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

Allegedly 7.560 litres of country made liquor is said to have been recovered from the house of the petitioner, 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 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. He has no concern with the recovery of the illicit liquor or any trade of liquor. There is no compliance of section 100 of the Cr.P.C. The said house from where recovery is made is a joint family property and is open from all corners and anyone can have the access. Petitioner has



no criminal antecedent.

Having regard to the facts and circumstances of the case, since the since the recovery has been made from the house of the petitioner, I am not inclined to enlarge petitioner no.2 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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