

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39956 of 2022

Arising Out of PS. Case No.-624 Year-2021 Thana- ALAMGANJ District- Patna

Arvind Kumar S/O Kamlesh Ram R/O Mohalla- Meena Bazar Domkhana,
P.S.- Alamganj, District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
30(a), 37(c), 41(1) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the allegation is of
recovery of 1230 litre of liquor out of which, 480 litres of liquor
from the petitioner's house, 60 litres of liquor from petitioner's
motorcycle and 330 litres of liquor from Kamlesh Ram's house
(petitioner's father), 300 litres of liquor from Ajay Ram's
rooftop, 60 litres of liquor from Meena Bazar Chabutra along
with 120 litres of mahua liquor from Meena Bazar Zalla.

The learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case. It is next submitted that house from which the alleged recovery was made is a joint family property and as such, it cannot be alleged that it was petitioner, who had kept the liquor. It is next submitted that if the house was of the petitioner then where was the occasion of getting him implicated based on secret information. This amply demonstrates that police in a mechanical manner implicated the petitioner based on his antecedent even without verification whether the house is a joint family property or not.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application.

Permission is accorded.

However, in the event, if the petitioner surrenders before the learned trial Court on or before 15.09.2022, then the learned Court below on the same day shall dispose of the bail application keeping in mind that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and that police before instituting the F.I.R. did not make any investigation with regard to the jointness of the property also that as to why his name transpired based on



secret information when it is alleged that the house belonged to the petitioner.

Accordingly, instant petition is dismissed as withdrawn with the aforesaid observation and direction.

(Satyavrat Verma, J)

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