

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50148 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- ANDHRAMATH District- Madhubani

RAJESH KUMAR MANDAL @ RAJESH S/O SUCHINDRA MANDAL
R/o village- Bangama, P.S.- Laukahi, Distt.- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-02-2022 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 Andhramath P.S. Case No.128 of 2020, corresponding to G.R. No.1342/2020, registered for the offence punishable under sections 272, 273, 414 IPC and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 42 liters of Nepali liquor 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. He has been falsely implicated in this case due to



dirty village politics. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from the motorcycle of the petitioner but the actual fact is that the said motorcycle was theft by unknown persons. There is no compliance of section 100 of the Cr.P.C. It is further submitted that similarly situated co-accused namely Rakesh Kumar has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated on 23.12.2020 passed in Cr. Misc. No.7430 of 2021. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts and circumstances, since the recovery has been made from the motorcycle of the petitioner, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail to the petitioner named above is hereby rejected.

Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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