

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54131 of 2021**

Arising Out of PS. Case No.-553 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAJESH KUMAR Son of Nawal Singh Resident of Village- Badh Nagari,
P.S.- Saraiya in the District of Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 04-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 159.18 litres of liquor was recovered from the joint family house of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession or his house. The alleged place of recovery cannot be said to be under the exclusive possession of this petitioner who is in custody since 5.8.2021 and chargesheet has been submitted in the case.



Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the petitioner having an antecedent under the Excise Act, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody.

(Partha Sarthy, J)

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