

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56960 of 2021

Arising Out of PS. Case No.-192 Year-2020 Thana- RAGHOPUR District- Vaishali

SHIV NATH RAI Son of Ramdev Rai Resident of Village Madha, P.S.
Raghopur (Rustampur O.P.), District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-03-2022 Heard the parties.

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 Raghopur (Rustampur O.P.) P.S. Case No.192 of 2020, registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 1444.410 liters of India made foreign liquor is said to have been recovered from the hut 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. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from the hut situated by the side of the river but the same does not belongs to the petitioner. There is no compliance of section 100 of the Cr.P.C. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Considering the aforesaid facts and circumstances, it appears from the seizure list that the said hut belongs to the petitioner and as the recovery has been made from the hut of petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner named above. The prayer for bail is rejected.

Accordingly, the instant application is dismissed.

(Anjani Kumar Sharan, J)

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