

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57324 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- SIGAUDI District- Patna

DEEPAK KUMAR @ GANDHI S/o- SHIV MAHTO Resident of Village-
Chandhosh, P.S.- Sigaudi, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioner and learned APP
for the State.

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 Sigaudi P.S. Case No.63 of 2020, registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 70 liters of country made liquor along with other articles is said to have been recovered from under the Matwali Bridge.

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 ulterior motive. 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 under the bridge but the same does not belong to the petitioner. There is no compliance of section 100 of the Cr.P.C.

Learned APP for the State opposes the prayer for bail by submitting that it is mentioned at para-3 of the bail application that the petitioner has no criminal antecedent but from the impugned order, it is evident that the petitioner has two criminal antecedents, which goes to show that the petitioner has tried to suppress this fact.

Considering the aforesaid facts and circumstances, the prayer for grant of anticipatory bail to the petitioner named above is rejected on account of suppression of fact.

Accordingly, the instant application is dismissed.

(Anjani Kumar Sharan, J)

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