

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57318 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- ROSERA District- Samastipur

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VINOD MUKHIYA S/O LATE LALO MUKHIYA R/o village- Vishanpur,
P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.

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

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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 Rosera P.S. Case No.4 of 2021, registered for the offence punishable under sections 272, 273/34 of the IPC and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 20 liters of country made liquor is said to have been recovered from the house 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 only on



suspicion. 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 house of the petitioner but the same is a joint family property. 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, since the recovery has been made from the house 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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