

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52366 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- ARA NAWADA District- Bhojpur

KANHAIYA MUSHAR Son of Late Kailash Mushar Resident of Mohalla -
Anaith, Badka Pokhara (Ward no. 43), P.S.- Ara Nawada, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 15 liters of country-made liquor is said to have recovered from roof of the house of the



petitioner. He submits that petitioner was not arrested on the spot and no independent witness made signature upon the seizure list all the witnesses are the police personnel. He submits that there is no recovery from the conscious possession of the petitioner. He further submits that petitioner has one criminal antecedent as stated in para-3 of the bail application.

Considering the facts and circumstance of the case and the fact that the said recovery is made from the roof of the house of the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Ara Nawada P.S. Case No. 111 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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