

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50069 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- BENIPATTI District- Madhubani

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ASHISH KUMAR PURVEY S/O RAMDEO PURVEY @ RAMDEV
MAHTO Resident of village- Uchchaith, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Adv..

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defects within four weeks.

The petitioner apprehends his arrest in connection with
Benipatti P.S. Case No.100 of 2022, corresponding to G.R.
No.628/2022, registered for the offence punishable u/s 279, 337,
338 of the IPC and sections 30(a) of the Bihar Prohibition and
Excise Act.

Allegedly 5.25 litres of illicit liquor is said to have been
recovered from the motorcycle of the petitioner. It is alleged that
petitioner was negligently driving the motorcycle loaded with
liquor and dashed the informant's son, who sustained grievous
injury.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has not been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has been made accused in this case only on suspicion. He has no concern with the recovery of the illicit liquor or any trade of liquor. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, since the recovery has been made from the motorcycle of the petitioner and considering that he caused grievous injury to the informant's son, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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