

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50480 of 2022

Arising Out of PS. Case No.-326 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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AVINASH KUMAR S/o Ranjan Kumar Resident of Village- Kritpur
Pachdahi, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nitu Kumari, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, 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 court

proceedings.

Learned counsel for the petitioner is directed to

remove the defects within four weeks.

Petitioner apprehends his arrest in connection with

Muzaffarpur Excise P.S. Case No.326 of 2021, registered for the

offence punishable u/s 30(a) of the Bihar Prohibition and Excise

Act.

Altogether 80 litres 250 milliliters of foreign liquor

is said to have been recovered from a hut. It is alleged that

petitioner and others fled away from the spot.

Learned counsel for the petitioner submits that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the statement of the local people. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner is not the exclusive owner of the said hut, which is a joint family property. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, since the recovery has been made from the hut of the petitioner, 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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