

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61146 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- BHAGWANPUR District- Begusarai

NISHANT KUMAR @ NIKKU S/O DHANANJAY SHARMA @
DHANANJAY CHOUDHARY R/o village- Dadpur, P.S.- Bhagwanpur
(Teyay), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Bhagwanpur (Teyay) P.S. Case no. 134 of 2021 instituted
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 61.125 litres
IMFL kept in four plastic bags from a banana orchard.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. The alleged banana orchard does not
belong to the petitioner rather the same belong to co-villager



Bhola Singh. Petitioner has no concern with the alleged recovery or with the place of occurrence. It appears from the seizure list that no compliance of Section 100 of the Cr.P.C. has been done as the alleged occurrence is of broad day light still all the witness are police officials and member of raiding party.

Learned APP appearing for the State has opposed the prayer of bail and submitted that three more cases are pending against the petitioner out of which two cases are under the Excise Act.

Having heard learned counsel for the parties and taking into consideration that petitioner is a habitual offender and is indulged in trade of illicit liquor, I am not inclined to grant him bail and, as such, his application for bail is rejected.

This application stands disposed of.

(Sunil Kumar Panwar, J)

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