

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55479 of 2022

Arising Out of PS. Case No.-281 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Vikash Kumar Son Of Late Nagendra Rai R/O Village - Dumariya, P.S.-
Minapur (Panapur O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-11-2022 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 Excise Case No. 281 of 2022 instituted for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

Prosecution case relates to recovery of 34.650 litres
country made foreign liquor of different brands from the hut of
the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. He has got no criminal antecedent.



Petitioner has no concern with the alleged recovery of illicit liquor. It is further submitted that neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that the place of occurrence is a hut which belongs to the petitioner.

Having heard learned counsel for the parties and taking into consideration that the alleged hut belongs to the petitioner, from where recovery of illegal country made foreign liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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