

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53648 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- PHULPARAS District- Madhubani

SUNIL KUMAR KAMAT S/o Ram Kumar Kamat Resident of Village-
Bachhoni, P.S.- Phulparas, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-12-2022 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 Phulparas P.S. Case no. 50 of 2022 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 72 litres illicit country made liquor from the Baramda 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. A statement is made in para 3 of the petition that the petitioner has got no criminal antecedent. 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 from where the recovery of illicit country made liquor has been made, belongs to the petitioner.

Having heard learned counsel for the parties and taking into consideration that the alleged Baramda belongs to the petitioner, from where recovery of illicit 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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