

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67733 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- DALSINGHSARAI District- Samastipur

BIRBAL RAI ALIAS BIRBAL KUMAR SON OF KHROO RAI RESIDENT
OF VILLAGE -DAINI PAGANA, WARD NO - 03, P.S- DALSING SARAI ,
DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh

For the Opposite Party/s : Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-04-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Dalsingh Sarai P.S. Case No.270 of 2021, registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether, 42.270 litres of foreign liquor is said to have been recovered from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged



in the FIR. He has been falsely implicated in this case merely on suspicion. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. The said recovery is said to have been made from the house of the petitioner but the same is a joint family property where other family members also reside. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Considering the aforesaid facts and circumstances, since the recovery has been made from the house of the petitioner, I am not inclined to grant the privilege of anticipatory bail to him. The prayer for anticipatory bail to the petitioner named above is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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