

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57240 of 2022

Arising Out of PS. Case No.-449 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

1. VIJAY PASWAN SON OF LATE KULDEEP PASWAN R/O VILLAGE-CHAKNOOR, P.S.- HAJIPUR SADAR, DISTT.- VAISHALI
2. RAM BABU PASWAN SON OF LATE KULDEEP PASWAN R/O VILLAGE- CHAKNOOR, P.S.- HAJIPUR SADAR, DISTT.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Hajipur Sadar P.S. Case no. 449 of 2022 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 15 litres country made wine, from the bathroom of the petitioner.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case. They have no concern with the alleged



recovery or with the place of occurrence. Neither the petitioners were arrested on spot nor any incriminating article have been recovered from their conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted .

Having heard learned counsel for the parties and taking into consideration that the alleged recovery has been made from the bathroom of the petitioners, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioners surrender and pray 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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