

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59793 of 2022

Arising Out of PS. Case No.-624 Year-2022 Thana- PURNEA SADAR District- Purnia

BIPIN KUMAR JHA Son of Sri Parmanand Jha R/O Village- Brahmsthan
Mandir, Rambagh, P.S- Sadar (Muffasil), District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2022 Heard the parties through virtual court proceedings.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 21.750 litres of foreign liquor from the motorcycle of the petitioner. The two accused persons fled away after seeing the police.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case due to mere suspension. His name transpired in this case only on the basis that he is the owner of the seized motorcycle. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious



physical possession. He has no concern either with the seized liquor or any trade of liquor. Though the petitioner is the owner of the said motorcycle but at the time of occurrence the aforesaid vehicle was driven by the driver namely Chandan Kumar and the driver fled away with key of the aforesaid vehicle after seeing the police. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP opposed the prayer for grant of anticipatory bail.

Having regards to the facts and circumstances of the case, since the petitioner is the owner of the said motorcycle, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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