

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- MADHAURAH District- Saran

1. AMAR NAT Son of Late Chhathu Nat Resident of Village- Pakaha Netua Toli, P.S.- Madhaura, District- Saran.
2. Dharmendra Nat Son of Late Bishwanath Nat Resident of Village- Pakaha Netua Toli, P.S.- Madhaura, District- Saran
3. Sikendra Nat @ Sikandar Nat @ Lodha Son of Late Arvind Nat Resident of Village- Pakaha Netua Toli, P.S.- Madhaura, District- Saran
4. Pappu Nat Son of Late Arvind Nat Resident of Village- Pakaha Netua Toli, P.S.- Madhaura, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with Madhaurah P.S. Case No.169 of 2021, registered for the offence punishable u/s 30/30(a) of the Bihar Prohibition & Excise Act-2016.



Altogether 70 litres of raw spirit is said to have been recovered from the roof of the house of petitioner no.1, 245 litres raw spirit has been recovered from a hut made from straw of the petitioner no.2, 280 litres raw spirit has been recovered from an old house of the petitioner nos.3 and 4.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. Although the recovery has been shown to be made from the huts/houses of the petitioners but it is categorically mentioned in the supplementary affidavit that the same are old and in dilapidated condition and are easily accessible by anyone. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances, since the recovery has been made from the roof of the huts of the petitioners, I am not inclined to enlarge them on bail.



The prayer for grant of anticipatory bail on behalf of the petitioners named above is hereby rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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