

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62527 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Sunil Kumar Mahto S/O Late Basdev Mahto R/V- Singhia Bujurg Uttar, Ward
No.- 08, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner that
no incriminating articles has been recovered from the conscious
physical possession of the petitioner rather 8.640 liters of
foreign liquor was recovered from the motorcycle which was
parked in front of the house of the petitioner. Petitioner has no
concern either with the seized liquor or the place of the recovery
or any trade of liquor. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.
Petitioner has been falsely implicated in this case at the instance



of his enemy. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. There is violation of Section 100 Cr.P.C. Petitioner has one criminal antecedent of simple nature of the offence as mentioned in para-3 of this application.

Learned APP opposed the prayer for grant of anticipatory bail.

Having heard to the facts and circumstances of the case, as the recovery has been made in front of the House of the petitioner, I am not inclined to enlarge him in anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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