

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4352 of 2023

Arising Out of PS. Case No.-85 Year-2022 Thana- SARAI District- Vaishali

SURENDRA BHAGAT S/O LAXUMAN BHAGAT R/v- Fatepur @ Fatepur
Fulbariya, P.S.- Sarai in the District of Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 30 of the Bihar Prohibition and Excise Act and Section 22 and 23 of the NDPS Act.

Allegedly, 1.800 litres of English wine and ½ kg of *Ganja* have been recovered from *Thela* of the petitioner. Petitioner is said to have fled away from the spot.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or *Ganja* or the place of recovery or



any trade of liquor. His name has been transpired in this case on the statement of the villagers. 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. He was not apprehended on the spot. He had not consumed liquor. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, there is recovery of illicit liquor and *Ganja* from the *Thela* of the petitioner, I am not inclined to enlarge him on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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