

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6520 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- BHARGAMA District- Araria

NIRAJ MANDAL @ NIRAJ KUMAR MANDAL S/O SADANAND
MANDAL Resident of Village- Dhaneshwari, Ward No.- 11, P.O.- Mangalwar
Chariaya, P.S.- Bargama, District- Araria- 854102

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in connection with
Bhargama P.S. Case No.269/22, registered for offence
punishable u/s 30(a) of Bihar Prohibition and Excise Act, 2016.

Altogether 10 litres of country made liquor is said to have
been recovered from the house of the petitioner.

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 at
the instance of his enemies. His name transpired in this case on
the basis of recovery from his house. 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. There is no compliance of section 100 of the Cr.P.C. and witnesses denied to have signed the seizure list. Petitioner has 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 house of the petitioner, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail to the petitioner named above is rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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