

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6390 of 2023**

Arising Out of PS. Case No.-248 Year-2021 Thana- KASBA District- Purnia

RAMKRISHNA YADAV @ RAMKRISHNA KUMAR Son of Munshi Lal  
Yadav R/v- Phulparas, P.S.- Phulpras, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      11-04-2023      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 272, 273, 34 of the Indian Penal Code and Sections 30 (a)/ 38 (1)/ 41(1) of the Bihar Prohibition and Excise Act, 2016.

Altogether 1338.75 litres illicit liquor has been recovered from a Scorpio and a truck. Accused persons were apprehended on the spot and disclosed that the seized liquor is said to have been delivered to the petitioner.

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 rather the illicit liquor is said to have been recovered from a car and a truck. Petitioner



has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Neither the petitioner is owner nor the driver of the said vehicles. 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. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended persons which has no evidentiary value in the eye of law. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, as there is huge recovery of liquor and petitioner has three criminal antecedents of similar nature, 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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