

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7376 of 2023

Arising Out of PS. Case No.-730 Year-2021 Thana- SARAIYA District- Muzaffarpur

=====

AVINASH RAI S/o Shatudhan Rai R/o Village- Khaira, P.S.- Saraiya (Jaitpur O.P.), Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Saraiya (Jaitpur O.P.) P.S. Case No.730 of 2021, registered for the offence punishable u/s 272, 273, 328, 307, 302, 341, 120(b) of the IPC and sections 30(a)/30(c)/37(b) of Bihar Prohibition and Excise Act.

Allegedly, the F.I.R. named accused persons including the petitioner were indulged in sale of spurious liquor, after consumption of which, one person died and some were hospitalized.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case merely on suspicion. No incriminating article has been recovered from the conscious



physical possession of the petitioner. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent and similarly situated co-accused namely Pappu Sah has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.10.2022 passed in Cr. Misc. No.31145 of 2022.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation of selling of illicit liquor against the petitioner and others and after consumption of the liquor, one person has died and some were hospitalized.

Having regard to the facts and circumstances of the case and considering the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

