

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10046 of 2023

Arising Out of PS. Case No.-396 Year-2022 Thana- WARISNAGAR District- Samastipur

VIJAY MAHTO SON OF LATE SOMAR MAHTO R/O VILLAGE-
RAMNAGAR SARI, P.S.- MATHURAPUR (O.P.), DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Warisnagar (Mathurapur O.P.) P.S. Case No.396 of 2022, registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Amendment Act, 2022.

Altogether 8 liters of country made liquor is said to have been recovered from the shop of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely



implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis that the recovery has been made from the shop of the petitioner. Petitioner has two criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as the recovery has been made from the shop of the petitioner, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail is hereby rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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