

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35497 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- RAJGIR District- Nalanda

PURAN MISHRA S/O ARUN MISHRA R/O Village- Belamundwar, P.O.-
Sitagarh, P.S- Belamurwar, Distt.- Hazaribagh, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukund Mohan Jha,Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2022.

3. The prosecution story, in brief, is that the informant received a secret information that one ambulance bearing registration no. JH-02M-4546 is coming towards Rajgir via Giriyak carrying the illegal wine. Thereafter, during checking, one ambulance which was coming from the side of Giriyak was stopped. Seeing the police party, all the accused persons tried to flee away but finally they got apprehended. Thereafter, on search, altogether 139.500 litres illicit liquor has been recovered from a *taboot*.



4. Petitioner is said to have given the alleged *taboot* to the driver of ambulance for delivering the illicit liquor to one Sonu Kumar.

5. 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 alleged illicit liquor is said to have been recovered from ambulance. 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. 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. His name has been transpired in the present case merely on the basis of confessional statement of co-accused Punal Kumar, who is driver of the said ambulance. It is further submitted that co-accused driver of the said ambulance has been granted regular bail by a co-ordinate bench of this Court. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations



levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

7. Considering the facts and circumstances of case, as there is recovery of a huge amount of illicit liquor, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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