

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52844 of 2023

Arising Out of PS. Case No.-234 Year-2023 Thana- ROSERA District- Samastipur

KAUSHAL KISHOR RAY @ KAUSHAL SINGH @ KAUSHAL RAY S/O
RAMANAND RAI @ NAMALUM R/O Village. Dharha, PS. Rosera, Dist.
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2023 Heard the parties.

2. The petitioner apprehends his arrest in connection with Rosera P.S. Case No. 234 of 2023, registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471, 120(B) of the Indian Penal Code and Section 30(a), 30(b), 32, 41, 62 of the Bihar Prohibition and Excise Act, 2022, pending in the Court of learned Special Judge Excise-01, Samastipur.

3. Altogether 3568.32 litres of foreign liquor has been recovered from truck, pick-up van and Tata Magic. Seeing the police, the accused persons tried to flee away, but one of them was apprehended by the police party and disclosed the name of the petitioner.

4. 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. 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. The seized vehicles do not belong to this petitioner. Petitioner was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is huge recovery of illicit liquor, I am not inclined to enlarge the petitioner on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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