

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38753 of 2023

Arising Out of PS. Case No.-351 Year-2021 Thana- GORAUL District- Vaishali

=====

SUBODH KUMAR Son of Ram Ekwai Chaurasiya Resident of Village -
Dhane, P.S.- Goraul, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Goraul P.S. Case no. 351 of 2021 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on information having been received, a raid was conducted. It is stated that two accused persons managed to escape and on search a total of 90 litres of liquor in 240 bottles were recovered. It is further stated that the petitioner was identified amongst the two persons who managed to escaped.

4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. The alleged place of recovery is an open area from which the



petitioner has no connection. The cause of petitioner's false implication is his antecedents. He undertakes to cooperate in the investigation/trial.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR wherein the petitioner was identified running away from the place of occurrence, the recovery of 240 bottles containing 90 litres of liquor from the place of occurrence together with the petitioner having criminal antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

