

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38602 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SARAI District- Vaishali

GHANSHYAM KUMAR RAY @ GHANSHYAM RAY Son of Ram Pravesh
Ray Resident of village - Brahmottra, P.S. - Pandaul, Distt. - Madhubani
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard the parties.

2. Petitioner apprehends his arrest in connection with Sarai P.S. Case No. 235 of 2022, registered for the offence punishable u/s 420, 467, 468, 471, 120 B of the IPC and Section 30(a), 31, 32, 36, 41(i) of Bihar Prohibition and Excise Act.

3. Altogether, 3627.36 litres foreign liquor has been recovered from the seized truck. Driver of the alleged truck was apprehended and disclosed the name of all the accused persons including the petitioner and stated that the illicit liquor belongs to this 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 rather the illicit liquor is



said to have been recovered from a truck. 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 is neither the owner nor the driver of the seized truck. He was not apprehended on the spot. He had not consumed liquor. 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 no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as nature of the offence, as there is huge recovery of the 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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