

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40013 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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RAKESH KUMAR Son of Lalbabu Sahani Resident of Mohalla-Belbanwa,
P.S.-Motihari Town, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Town P.S. Case No.60 of 2023, registered for the offences
punishable u/s 30 (a) of Bihar Prohibition and Excise
Amendment Act, 2018.

3. Altogether 5.200 liters of country made liquor is said to
have been recovered from the hut of the petitioner.

4. 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 rather the same being
recovered from the back side of the hut 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 of suspicion. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that the alleged recovery has been made from the hut of the petitioner.

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

7. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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