

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48193 of 2023**

Arising Out of PS. Case No.-241 Year-2022 Thana- THARTHARI District- Nalanda

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DHANPAT YADAV @ DHANPAT KUMAR SON OF SURENDRA YADAV
R/O-ATWALCHAK, P.S.-THARTHARI, DISTT.-NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Tharthari P.S. Case No. 241 of 2022, registered for the offence punishable u/s 30(a) (d) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 10 litres of country made liquor and other articles that are used in manufacturing liquor have been recovered from the bush. After seeing the police, petitioner along with one other co-accused person is said to have fled away. Nearby people disclosed the name of the petitioner as escaped person.

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 place of occurrence 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. There is nothing to indicate the complicity of the petitioner in the present case barring the statement of the gathered people. Similarly situated co-accused has been granted anticipatory bail by a co-ordinate bench of this Court. Petitioner has two criminal antecedents of similar nature that of the present case.

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

6. Considering the facts and circumstances of case, as petitioner has two criminal antecedents of similar nature that of the present case, 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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