

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49762 of 2023

Arising Out of PS. Case No.-276 Year-2022 Thana- NAWANAGAR District- Buxar

Loha Yadav @ Abhay Singh, aged about 33 years, Male Son of Gupteshwar Singh, Resident of Village- Masahariya, P.S.- Murar, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioner and learned learned APP for the State.

2. The petitioner apprehends arrest in connection with Nawanagar P.S. Case No. 276 of 2022 dated 18.08.2022 instituted for the offence punishable under Sections 30(a), 30(c) 30(d), 33, 34, 36, 41 (i) (ii) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 216 litres spirit, 50 litres sanitizer, 75.60 litres foreign liquor, 1500 piece small size plastic bottle and other materials to be used for preparing illegal liquor. Four motor-cycle were also seized and eight accused persons were arrested on the spot who disclosed that they are in business of manufacturing illicit foreign liquor and supplying the same.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of confessional statement of co-accused Kanhaiya Kumar. Learned counsel further submits that no recovery has been made from the conscious possession of the petitioner and the alleged recovery is near the Kav River, which is an open place. Petitioner is neither the owner of the recovered vehicle nor the driver of the said vehicle. Petitioner is involved in 21 criminal cases.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that there is serious allegation against the petitioner and he is involved in 21 heinous crime and is a habitual criminal.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, nature of allegation and criminal antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the application is accordingly, dismissed.

(Sunil Dutta Mishra, J)

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