

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50901 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJEPUR District- East Champaran

Jiyalal Rai S/O Jainath Rai R/O Village- Tajpur Saraiya, Ps. Rajepur, Dist.
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Rajepur P.S. Case No. 137 of 2023 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, pending in the Court of learned Exclusive Special Excise Court No.1, Motihari, East Champaran.

3. As per the prosecution case, 80.865 liters of foreign liquor was recovered from the asbestos shop of cold drink of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. He submits that nothing incriminating has been recovered from the conscious or constructive possession of the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the said illicit liquor was recovered from the shop of the petitioner. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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