

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63200 of 2023

Arising Out of PS. Case No.-358 Year-2023 Thana- BARHARA District- Bhojpur

SHISHU KUMAR @ SHISHU KUMAR RAI son of Salik Rai Village-
Babura Ps- Barhara Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner apprehends his arrest in connection with a case
registered for the offence punishable u/s 30(a) of the Bihar
Excise and Prohibition Act, 2018.

3. Altogether 52.500 litres of illicit liquor is said to have
been recovered from the joint house of the petitioner. Petitioner
is said to have fled away.

4. Learned counsel for the petitioner submits that petitioner
is quite innocent and has not committed any offence as alleged
in the FIR. Petitioner has been falsely implicated in this case at
the instance of his enemies. His name transpired in this case on
the disclosure of his name by the local people. Petitioner has
neither been apprehended on the spot nor any incriminating



article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The house of the petitioner is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the house. Petitioner has no criminal antecedent mentioned in para-3 of the bail application.

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

6. Having regard to the facts and circumstances of the case, as the illicit liquor has been recovered from the joint house of the petitioner, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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