

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68764 of 2022

Arising Out of PS. Case No.-492 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

SHAILESH KUMAR SINGH @ SHAILESH YADAV Son of Kamata Yadav
Resident of village - Masadh West Bari Tola, P.S.- Udwantnagar, District -
Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malti Kumari, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 30 (a) of the Bihar Prohibition
and Excise (Amendment) Act, 2016.

The prosecution story, in short, is that on secret
information, police party reached at bank of Banas River at
Masadhkola. Seeing police party, accused persons started
fleeing and finally succeeded in fleeing. Total 75 litres country
made Mahua liquor, utensils, Dram etc and 10,000 litres Mahua
Gawa Pass have been recovered from the place of occurrence.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case at instance of his



enemies. No incriminating article has been recovered from the conscious physical possession of the petitioner rather said illicit liquor is said to have been recovered from open place i.e. bank of Banas river. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is violation of Section 100 Cr.P.C. He was not apprehended on the spot. His name has been transpired in this case merely on the basis of statement of Chowkidar. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail application by submitting that petitioner is also involved in manufacturing of illicit liquor.

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

Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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