

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74733 of 2022

Arising Out of PS. Case No.-350 Year-2022 Thana- SARAIYA District- Muzaffarpur

RAM ISHWAR PASWAN @ RAMESHWAR PASWAN Son of Ramdhani
Paswan Resident of Village - Jaitpur, P.S. - Saraiya (Jaitpur O.P.), District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2023 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 under Sections 272 & 273 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

Altogether, 31 litres of illicit liquor has been recovered
from the shop of petitioner. Two persons were apprehended and
petitioner was succeeded in fleeing away.

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 any trade of liquor. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. It is further submitted that the petitioner is not the owner of aforesaid alleged Toddy shop from where above mentioned liquor was recovered. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, since the petitioner is the owner of aforesaid alleged shop from where illicit liquor was recovered, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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