

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82146 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- BIBHUTIPUR District- Samastipur

RAKESH KUMAR @ RAKESH MAHTO S/O ANANDI MAHTO R/O
KARRAKH, VADIYA, WARD NO. 1, P.S- BIBHUTIPUR, DISTT.-
SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bibhutipur
P.S. Case No. 338 of 2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition & Excise
(Amendment) Act, 2022, pending in the Court of learned
Special Judge, Excise-Ist, Samastipur.

3. As per the prosecution case, 96 liters of Beer is
said to have been recovered from the shop 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



no recovery is there from the shop of the petitioner and whatever recovery is shown, that is in absence of the petitioner and this recovery is falsified from the fact that on the seizure list neither neighbours of the petitioner nor any co-villagers put their signature. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that the illicit Bear is said to have been recovered from the shop of the petitioner. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the fact that the said recovery has been made from the shop of the petitioner, 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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