

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24145 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- BABUBARHI District- Madhubani

Jibachh Mukhiya, Son of Bauku Mukhiya Resident of Village-Bhatchaura,
Ward No. 7, Police Station-Babubarhi, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Babubarhi P.S. Case No. 398 of 2023, registered on 14.12.2023, for the alleged offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, in a drive against illicit trade of liquor, a raid was conducted in the house of the petitioner and recovery of 3 liters of country made *chulai* liquor was made from the house. A huge quantity of raw material was also recovered, which was destroyed.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. During the time of occurrence, the petitioner was not present in his house and he had gone to Punjab. The recovery has been shown from a joint family house where other members also reside. The petitioner has been residing in Punjab for earning his livelihood and nothing incriminating has been recovered from his person or possession. The petitioner has got no criminal history.

05. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail. Learned APP submits that the recovery of illicit liquor has been made from the house of the petitioner and huge quantity of raw material was also destroyed.

06. Having considered the fact that recovery has been made from the house of the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner. Hence, his prayer for anticipatory bail is **rejected**.

(Arun Kumar Jha, J)

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