

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35637 of 2024

Arising Out of PS. Case No.-1237 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Suraj Kumar Son of Sikandar Sah Resident of Village - Dumri, P.S. - Sadar,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Muzaffarpur Sadar P.S. Case No. 1237 of 2023, registered for the alleged offence under Sections 30(a) of Bihar Prohibition & Excise Act.

3. As per prosecution case, police received secret information of movement of traders of illicit liquor. A search operation was carried on and two persons riding a scooty tried to escape on seeing the police party. One of the persons fled away from the spot and the person riding the scooty was apprehended. Two mobile phones were seized from the spot which fell down from the escaped person. Further, recovery of



42.015 litre of foreign liquor was made from the scooty. The apprehended person disclosed the name of the petitioner as the person who fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has no concern with the seized liquor and he is not involved in the trade of illicit liquor. Petitioner has no concern with the scooty from which recovery has been made. The two mobile phones shown to be recovered from the spot were in fact, forcibly seized by the police from the house of the petitioner which is nearby the spot. The petitioner is having antecedents of three cases.

5. Learned A.P.P. for the State vehemently opposes the submission of the petitioner and submits that the petitioner was pillion rider of the scooty and his mobile phones fell down when he tried to escape from the place of occurrence. He further submits that the petitioner is having antecedent of three cases of similar nature.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that mobile phones of petitioner were seized from the spot in course of fleeing away on seeing the police party and



recovery of illicit liquor was made from the scooty being ridden by the petitioner, I do not think, it is a fit case for grant of anticipatory bail to the petitioner.

7. Hence, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

Siddharth
Sagar/-

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