

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35749 of 2024

Arising Out of PS. Case No.-711 Year-2021 Thana- KHAGARIA District- Khagaria

Dorjee Phuntso Khrime S/O Nima Tsering Khrime R/O E 41, Zoo Road, P.S.
- Chimpu Itanagar, District Papumpare, Arunachal Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Khagadia (M) P.S. Case No. 711 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered altogether 2934 liter illegal foreign liquor from the Container vehicle bearing Regd. No. UP21N5111.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is the Director of a distillery company in Arunachal Pradesh. The petitioner is not named in



the F.I.R. and, in course of investigation, he has been dragged in this case. The petitioner is not at all related to either the place of recovery or the vehicle seized by the police. The petitioner is even not related to either the consignor or the consignee of the goods recovered. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has altogether nine criminal antecedents but, in all of them, he is on bail as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Shyam Yadav has been granted regular bail by this Court vide order dated 19.02.2024 passed in Cr. Misc. No. 9118 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the prayer for anticipatory bail of the petitioner is hereby rejected.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders



before the court below within a period of four weeks from today
and prays for regular bail, the same would be considered by the
court below in accordance with law without being prejudiced by
the order of this Court.

(Rudra Prakash Mishra, J)

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