

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73313 of 2024

Arising Out of PS. Case No.-654 Year-2021 Thana- MAJHAULIA District- West Champaran

Gautam Kumar S/O Ram pravesh singh R/O Village- Bhatauna, P.S- Karja,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Majhauliya P.S. Case No. 654 of 2021 lodged on 29.11.2021, for the offences punishable under Sections 467, 468, 471, 420, 272, 273 & 120(B) of the Indian Penal Code read with sections 30(a), 36 & 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, total recovery of 3061.800 litres of illicit liquor has been recovered which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner is not named in the FIR and only material which has come against him is that his mobile has been used by one of the co-accused in commission of the offence.



Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that nothing incriminating has been recovered from the petitioner's possession. He was neither driver nor owner nor *khalasi* of the truck and the petitioner was not present even at the place of occurrence.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it has come that petitioner's mobile was being used by the accused persons, therefore, his involvement in commission of offence cannot be ruled out.

6. Upon the specific query of the Court from the Learned Counsel for the petitioner that under what circumstances, the mobile of the petitioner which ought to be present with him was being used by the accused persons, he has no plausible explanation for the same.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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