

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72885 of 2023**

Arising Out of PS. Case No.-320 Year-2023 Thana- FATUA District- Patna

VINAY KUMAR SON OF PREM PASWAN Resident of Village - Goraiya  
Asthan Govindpur, P.S.- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      05-03-2024      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Fatuha P.S. Case No. 320 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018, Section 8(c), 20, 22 of N.D.P.S. Act and 25(1-B)a, 26, 35 of the Indian Penal Code.

3. Allegedly, one country made pistol, one live cartridge, 50 litres of country made liquor, one Kg. *Ganja* and one Apache motorcycle have been recovered and seized by the police. One accused person, namely, Sonu Kumar was apprehended and disclosed the name of the petitioner as seller of the liquor and *Ganja*.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. No incriminating article has been recovered from the conscious possession of the petitioner and from his house. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The seized motorcycle does not belong to the petitioner. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

**(Anjani Kumar Sharan, J)**

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