

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75202 of 2024

Arising Out of PS. Case No.-247 Year-2024 Thana- BIHIA District- Bhojpur

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1. Sohrai Mushar Son of Polis Musahar Resident of Village- Ossain, P.S.- Bihiya, Distt.- Bhojpur
 2. Dhanraj Mushar Son of Polis Musahar Resident of Village- Ossain, P.S.- Bihiya, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Malti Kumari, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 Heard the parties.

2. The petitioners apprehend their arrest in connection with Bihiya P.S. Case No.247 of 2024, registered for the offences punishable u/s 30(a) of Bihar Prohibition Excise and Amendment Act, 2018.

3. Altogether 40 litres of country made liquor is said to have been recovered from the house of the petitioners and they are alleged to have fled from the spot.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered



from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They were not apprehended on the spot and their name transpired in the case on the basis that from their house, recovery has been made but the said house is a joint house of the petitioners and there is no compliance of section 100 of the Cr.P.C. Petitioners have no criminal antecedent.

5. Having regard to the facts and circumstances of the case and considering that the recovery has been made from the house of the petitioners, I am not inclined to enlarge them on anticipatory bail. The prayer for grant of bail on behalf of the petitioners is hereby rejected.

6. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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