

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78046 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- BABUBARHI District- Madhubani

Umesh Saday S/O Bhangi Saday R/o Village Dudahi Mushari, P.S.
Babubarahi, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Babubarahi P.S. Case No. 165 of 2024 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Altogether 18 litres of illicit liquor has been recovered from the house of the petitioner. Seeing the police, petitioner is said to have fled away from the spot.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of



liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. His name has been transpired in the present case merely on the basis of identification made by local *Chowkidar*. It is further submitted that the petitioner has falsely been implicated in this case at the instance of his enemy by planting the aforesaid recovery in his house. He has nothing to do with the alleged occurrence. He had no knowledge of keeping of the said liquor in his house. He was not apprehended on the spot. He has no criminal antecedent as mentioned in para 3 of the bail application.

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

6. Having regard to the facts and circumstances of the case, as the alleged recovery has been made from the house of the petitioner, I am not inclined to enlarge him on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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