

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82523 of 2024

Arising Out of PS. Case No.-271 Year-2024 Thana- Excise P.S. District- Samastipur

Dharmendra Ray @ Dharmendra Kumar Rai S/o Chandrashekhar Ray R/o
Village- Hajpurwa, Police Station- Chak Mehshi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Samastipur Sadar Excise P.S. Case No. 271 of 2024 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 9.060 litres of illicit foreign liquor has been recovered from cattle shed belongs to this petitioner.

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 physical possession of the petitioner or from his house. He has no concern either with the seized liquor or 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 at the instance of his enemy by planting the aforesaid recovery. It is further submitted that the petitioner had no knowledge of keeping of the said liquor in the said cattle shed. The alleged cattle shed is located outside of the house which belongs to the joint family and is inhabited by several family members. Learned counsel further submits that the petitioner was not apprehended on the spot and he has one 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 cattle shed belongs to this 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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