

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87105 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- KOTWA District- East Champaran

1. Umesh Paswan @ Umesh Hajara S/o- Late Jagu Hazara Resident of village- Karariya fate tola Ps- Kotwa District- East Champaran
2. Suraj Kumar @ Suraj Kumar Paswan S/o- Umesh Paswan @ Umesh Hajara Resident of village- Karariya fate tola Ps- Kotwa District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioners and learned A.P.P.
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Altogether 48.960 litres of foreign liquor has been recovered from the alleged *Bhusauli* belong to the petitioners.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious possession of the petitioners or from their house. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners



is totally false and based on concocted facts. They were not apprehended on the spot. They have falsely been implicated in this case at the instance of their enemy by planting the aforesaid recovery. The place from where the alleged recovery has been made is an open and abandoned structure and accessible to public at large. They had no knowledge of keeping of the said liquor in the said *Bhusauli*. Their names have been transpired in the present case merely on suspicion. Learned counsel further submits that petitioners have no criminal antecedent as mentioned in para 3 of the bail 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 place of recovery, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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