

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2861 of 2024

Arising Out of PS. Case No.-237 Year-2021 Thana- RAGHOPUR District- Supaul

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Lalan @ Lalan Kumar @ Lal Babu Yadav @ Lal Babu Kumar Son of Ramesh Ray Resident of Village-Kharika, Pakhnaha, PO and PS-Minapur, District-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with Raghapur P.S. Case No.237 of 2021, registered for the offences punishable u/s 30(a), 38(1) and 41(1) of Bihar Prohibition and Excise Amendment Act, 2016.

3. Altogether 2610 litres of foreign liquor is said to have been recovered from the spot and some of the co-accused were apprehended on the spot and disclosed the name of petitioner as their associate.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior



motive. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on the basis of confessional statement of the apprehended co-accused. There is no compliance of section 100 of the Cr.P.C. Petitioner has two criminal antecedent in similar nature of offence.

5. Having regard to the facts and circumstances of the case and considering that the petitioner has two criminal antecedent in similar nature of offence, I am not inclined to enlarge him on anticipatory bail. The prayer for grant of bail on behalf of the petitioner is hereby rejected.

6. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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