

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41316 of 2018

Arising Out of PS.Case No. -153 Year- 2017 Thana -PIYAR District- MUZAFFARPUR

=====

Mukesh Ojha son of Late Satya Narayan Ojha, resident of Village- Bagahi,
Police Station- Piar, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30(a), 33(II), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 275 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely, Ranjeet Singh. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It has further been submitted on behalf of the petitioner that the present case is outburst of Annexure-2 to the present application. The petitioner had instituted a case against the informant of this case. Hence in retaliation to that, the petitioner has been roped in the present case. The other co-accused persons have been granted anticipatory bail with similar allegation.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and he has got five criminal cases pending against him.

Considering the antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner in connection with Piar P.S. Case No. 153 of 2017 is rejected.

However, if the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order taking into account the submission made on behalf of the petitioner and if possible, the same be disposed of on the same day.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

