

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40482 of 2018

Arising Out of PS.Case No. -203 Year- 2018 Thana -SITAMARHI District- SITAMARHI

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1. Naushad @ Naushad Rain @ Md. Naushad Rain, son of Sarfuddin,
resident of village- Mehsaul Got, Ward No.05, P.S.- Sitamarhi, District-
Sitamarhi (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 18-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Sitamarhi P.S.**

Case No.203 of 2018 instituted for the offence under Section(s)
420/34 Indian Penal Code and Section 30-A of the Bihar
Prohibition & Excise Act, 2016 pending in the Court of the
Additional District Judge-cum-Special Judge (Excise),
Sitamarhi.

Prayer of the petitioner for grant of anticipatory bail
was earlier rejected by this Court by order dated 23.05.2018
passed in Cr. Misc. No.28445 of 2018.

Counsel for the petitioner submits that petitioner has
been described as son of Md. Gaffar Rain, but is son of Md.
Sarfuddin Rain. Counsel for the petitioner further submits that



due to said confusion his anticipatory bail application has been rejected.

This Court finds that this petitioner was apprehended with *Thela* loaded with bundles of foreign liquor wrapped in plastic bags. Therefore, there may be some typographical error in writing the name with regard to parentage of the petitioner, but from the allegation in the written report, it appears that there is specific allegation against the petitioner, which is also mentioned in the order dated 23.05.2018 passed in Cr. Misc. No.28445 of 2018 that two *Thela* puller disclosed their name as Naushad son of Gaffar Rain.

Counsel for the petitioner has submitted that other accused have been granted anticipatory bail by co-ordinate Bench of this Court by order dated 10.07.2018 passed in Cr. Misc. No.37139 of 2018.

Since prayer of the petitioner for grant of anticipatory bail has already been rejected by this Court, the Court is not inclined to entertain this second anticipatory bail application.

This application is, accordingly, rejected.

Petitioner is directed to surrender before the Court below and seek regular bail, which shall be considered and



disposed off in accordance with law without being prejudiced by
this order.

(Sanjay Priya, J)

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