

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62036 of 2018

Arising Out of PS. Case No.-296 Year-2018 Thana- MAIRWAN District- Siwan

Rajan Sah, S/o Harendra @ Harindra Sah, Resident of Village- Pharachhuwa
@ Farchua, P.S.- Mairwa, District- Siwan.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akshay Lal Pandit
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-10-2018

Heard learned counsel for the parties.

This application for regular bail arises out of Mairwa P.S. Case No. 296/2018 for the offences under Sections 272, 273, 308, 34 of the Indian Penal Code and Sections 30(i), 38(i) and 41(i) of Bihar Prohibition and Excise Act, 2016.

From a car, the police are said to have recovered 224 liters of foreign liquor.

It is the contention on behalf of the petitioner that he was not apprehended or found sitting in the car. It is the case of the prosecution itself that the persons, who were there in the car, had fled away and two persons, who were allegedly escorting the car in a Motorcycle, also fled away. Name of this petitioner has cropped up on the basis of the so-called information given by the local people to the police as the person who had also fled



away. He has contended that over and above the statement of the local people disclosing the petitioner's name, there is no allegation against this petitioner sufficient for his implication.

However, I find that the petitioner has a criminal antecedent and he is accused in Jiradei P.S. Case No.66/16 registered on 24.12.2016 for the offences punishable under Sections 272, 274 and 308 of the Indian Penal Code and Sections 30, 38 and 41 of Bihar Prohibition and Excise Act, 2016.

In view of the fact that he has criminal antecedent, said to have committed similar offence earlier also, I am not inclined to grant the petitioner privilege of bail. This application is rejected.

Petitioner shall, however, be at liberty to renew his prayer for bail after six months.

(Chakradhari Sharan Singh, J)

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