

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28775 of 2018

Arising Out of PS. Case No.-192 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

=====

Anil Kumar Yadav @ Anil Choudhary, S/o Shree Ramayan Choudhary,
resident of Village- Paitalis, P.S.- Jamo, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr. A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 27-06-2018 Heard Sri Rakesh Kumar Shrivastava, learned
counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Case
No.C-II 192/17 registered for the offence under Sections 30(a)
of the Bihar Prohibition and Excise Act, 2016, has prayed for
grant of bail, in the event of his arrest or surrender.

Learned counsel for the petitioner submits that
nothing was recovered either from the conscious possession or
from the premises of the petitioner. The petitioner has been
made accused along with main accused, as if the petitioner was
associate of main accused Jaglal Sah. Learned counsel for the
petitioner further submits that in the year 2012, the petitioner
was incorrectly made accused for the offence relating to Excise



Act, however in the case he has been granted bail. He further submits that in the year 2012 , the petitioner was licensee under the Excise Act, but due to allegation of violation of provision of licence, the petitioner was made accused. On the aforesaid ground, the petitioner has prayed for extending the privilege of anticipatory bail.

The Court is of the opinion that Section 438 of the Code of Criminal Procedure is not meant for granting relief to a person , who is already an accused relating to the similar offence.

I do not find any ground to pass favourable order. The petition stands dismissed.

(Rakesh Kumar, J)

nawalkrs/-

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

