

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30312 of 2020

Arising Out of PS. Case No.-97 Year-2020 Thana- MITHANPURA District- Muzaffarpur
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BABLU SAH S/o Late Yogendra Sah R/o Mohalla-Gaushala Chowk,
Rambag Road, P.S.-Mithanpura, Distt.-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr. Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2020 Heard Mr. Hari Kishore Thakur, learned counsel

for the petitioner and Mr. Md. Aslam Ansari, learned APP for

the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Mithanpura P.S. Case No. 97 of

2020 instituted for the offence under Section 30 (a) of the

Bihar Prohibition and Excise (Amendment) Act, 2018.

It appears from the prosecution report that from

the shop belonging to the petitioner and his elder brother,

viz., Munna Sah, 7.980 litres of foreign liquor was

recovered.

Learned counsel for the petitioner has fairly



conceded that the prayer for anticipatory bail of his brother has been rejected but on his surrendering before the court below, he has been released on bail.

Regard being had to the afore-stated facts, I am not inclined to exercise my discretion for granting anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the court below shall consider the same on its own merit, taking into account that on similar allegation, the brother of the petitioner has been granted bail and shall pass orders in accordance with law without being prejudiced by the fact that the present petition for grant of anticipatory bail has not been entertained.

(Ashutosh Kumar, J)

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