

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21237 of 2021**

Arising Out of PS. Case No.-62 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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1. MUKESH SAH @ MUKESH KUMAR SON OF SHIV SHANKAR SAH
R/O VILLAGE- BASANTPUR, P.S.- SATHI, DISTRICT- WEST
CHAMPARAN.
 2. RAKESH SAH @ RAKESH KUMAR SON OF SHIV SHANKAR SAH
R/O VILLAGE- BASANTPUR, P.S.- SATHI, DISTRICT- WEST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai
For the Opposite Party/s : Mr.A.PP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 21-12-2021 It is submitted by learned counsel for the petitioner

that during pendency of this application, petitioner no. 2 has

been arrested and, as such, he seeks permission to withdraw this

application.

Permission is granted.

In view of the aforesaid submission, this application is

dismissed as withdrawn.

Now learned counsel for the petitioner is pressing this

application only against petitioner no. 1.

Heard learned counsel for the petitioner and learned

APP for the State.



The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Excise P.S. Case no. 62 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case relates to recovery of 185 litres country made liquor along with raw materials for preparing liquor.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is having two criminal antecedents under Excise Act.

Having heard learned counsel for the parties and taking into consideration that petitioner is habitual offender under the Bihar Excise Act, I am not inclined to grant bail to the petitioner no. 1 and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below on



its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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