

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4567 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- RAJPUR District- Buxar

ANUP KUMAR @ ANUP RAM @ ANUP KUMAR RAM S/o Late Pappu
Ram @ Kamal Kishor Rakesh Resident of Village- Sisradh, P.S.- Rajpur,
District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-06-2022 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 Rajpur P.S. Case no. 43 of 2021 instituted for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Prosecution case relates to recovery of 250 litres
country made wine from the field of Chhotak Kushwaha.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. Petitioner has no concern with the
alleged recovery or with the place of occurrence. Neither the



petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is a habitual offender and has four criminal antecedent of excise act.

Having heard learned counsel for the parties and taking into consideration that petitioner is a habitual offender, I am not inclined to grant bail to the petitioner and, as such, his prayer for bail is rejected.

Application stands disposed off.

However, if the petitioner surrenders and prays for regular bail, the same may 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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