

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23161 of 2021**

Arising Out of PS. Case No.-312 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

JITENDRA SAH @ JITU SAH Son of Bishwanath Sah Resident of Village-
Brahimpur, P.S.- Masrakh, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary
For the Opposite Party/s : Mr.APP

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

2 12-01-2022 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 Bhagwanpur Hat P.S. Case no. 312 of 2020 instituted for the offence punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case relates to recovery of 434 litres of IMFL near the house of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. The alleged liquor has been recovered from beneath the soil in thatched hut, which is easily accessible for all.



Learned APP appearing for the State has opposed the prayer of bail and submitted that it is not a fit case to grant anticipatory bail the petitioner.

Having heard learned counsel for the parties and taking into consideration that the alleged hut belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner 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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