

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24339 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- MALSALAMI District- Patna

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MOHAN RAY S/o Sri Kamta Ray Resident of Village- Patthar Ghat, P.S.-
Malsalami, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Manglam

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-09-2022 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 Malsalami P.S. Case no. 167 of 2022 instituted for the
offence punishable under Section 30(a) and 36 of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 123 litres
country made wine from a bush.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. He has no concern with the alleged
recovery. 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 three more cases of excise act are pending against the petitioner.

Having heard learned counsel for the parties and considering the fact that petitioner is a habitual offender, 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 may be considered by the court below considering the fact that nothing has been recovered from the conscious possession of the petitioner.

(Sunil Kumar Panwar, J)

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