

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29432 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- HATHAURI District- Samastipur

LAXMAN MANDAL Son of Late Sitaram Mandal Resident of village -
Dhobiyahi Shivajinagar, P.S.- Hathauri, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-09-2022 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 Hatauri P.S. Case No. 28 of 2022 instituted for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

Prosecution case relates to recovery of 6.66 litres illicit liquor from poultry farm of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case only on the basis of aforesaid facts. 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 has criminal antecedents of two cases and both are 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.

This 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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