

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30158 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Anil Kumar Rai S/o Jagat Rai R/o Village - Basauli, P.S. - Bochahan, District
- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 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 Gaighat P.S. Case no. 226 of 2021 instituted for the offence punishable under Section 272, 273, 467, 468, 471/34 of the Indian Penal Code and Section 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 2619.360 litres illicit India made foreign liquor from a vehicle bearing Reg. No. HR 67C 3342.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner has been



disclosed by the co-accused person who was the driver of truck at the time of occurrence. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that the petition has criminal antecedent of total 5 cases of similar nature.

Having heard learned counsel for the parties and considering the facts 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 on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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