

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30371 of 2022**

Arising Out of PS. Case No.-17 Year-2021 Thana- SARAIYA District- Muzaffarpur

PRAMOD RAI @ PRAMOD KUMAR RAI Son of Thakuri Rai @ Thakur
Ray Resident of Village-Rampur Mango, P.S.-Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Surendra Kumar

**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 Saraiya P.S. Case no. 17 of 2021 instituted for the offence punishable under Sections 272, 273/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 7200 litres of IMFL from a truck. The driver of the said vehicle was arrested on spot, who disclosed the name 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. 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 petitioner has criminal antecedent of two cases of similar nature.

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.

The 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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