

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31095 of 2022

Arising Out of PS. Case No.-376 Year-2020 Thana- BAJPATTI District- Sitamarhi

JAY KARAN BAITHA Son of Raudi Baitha @ Raghu Baitha, Resident of
Village - Jokha, Balua, P.s.- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-09-2022 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 Bajpatti P.S. Case no. 376 of 2020 instituted for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Prosecution case relates to recovery of 7.50 litres
country made wine from a motorcycle and one Vikash Kumar
was apprehended on spot and he disclosed that petitioner
succeeded in fleeing away.

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 four cases.

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 taking into consideration that nothing has been recovered from the possession of the petitioner.

(Sunil Kumar Panwar, J)

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