

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45579 of 2021

Arising Out of PS. Case No.-287 Year-2020 Thana- MAHESI District- East Champaran

ASHOK SINGH Son of Mnshi Singh Resident of Village - Mani Chhapra,
P.S.- Chakia, District - East Champaran. Petitioner/s

Versus

The State of Bihar ...Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 09-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Mehsi P.S. Case no. 287 of 2020 instituted for the offence
under Sections 272, 273, 120(B), 467, 468 and 471 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act.

Prosecution case relates to recovery of 617 litres
IMFL from a Truck bearing Registration No UP20M3534 and a
Bolero Bearing Registration No. BR05P1284. Local Chowkidar
has identified the petitioner, who has managed to escape from



the place of occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. Petitioner has no concern either with the alleged liquor or with the vehicles in question. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by a local Chowkidar, which has no evidentiary value in the eye of law. 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 strongly opposed the prayer of Bail and submitted that petitioner is a habitual offender. From perusal of the Supplementary affidavit, it appears that four cases under the Excise Act is pending against the petitioner.

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 application for bail is rejected.

(Sunil Kumar Panwar, J)

sushma/-

U		T	
---	--	---	--

