

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46045 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- DERNI BAZAR District- Saran

JITENDRA KUMAR @ JITENDRA SAH Son of Late Jaleshwar Sah
Resident of Village - Derni, P.S.- Derni, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-03-2022 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 Derni P.S. Case no. 222 of 2020 instituted for the offence punishable under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 100 litres country made wine from a motorcycle bearing registration No. BR31E-1821.

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. He has no concern with the alleged recovery or with the vehicle in question.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioner is a habitual offender. Three more cases of similar nature are pending against him.

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.

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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