

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42983 of 2022

Arising Out of PS. Case No.-377 Year-2020 Thana- GAIGHAT District- Muzaffarpur

SACHCHIDANAND RAI @ JONNY S/o Shambhu Ray @ shambhu Prasad
yadav R/o village - Madhuban, P.S.- Rajepur, District - Motihari, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43634 of 2022

Arising Out of PS. Case No.-377 Year-2020 Thana- GAIGHAT District- Muzaffarpur

ANIL RAI @ ANIL KUMAR Son of Jagat Rai Resident of Village - Basauli,
P.s.- Bochahan, Distt.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42983 of 2022)

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr.Satya Nand Shukla

(In CRIMINAL MISCELLANEOUS No. 43634 of 2022)

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Gaighat P.S. Case no. 377 of 2020 instituted for the offence
punishable under Section 272, 273, 467, 468, 471 and 120B of



the IPC and Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of huge quantity of illicit liquor which were being carried by a truck bearing Registration No. PB 11BA 8715 and driver of the said truck was apprehended on spot.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case. Petitioners are not named in the FIR. During investigation, their names were surfaced in the present case. Neither the petitioners were arrested on spot nor any incriminating article have been recovered from their conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that both the petitioners are habitual offenders.

Having heard learned counsel for the parties and taking into consideration that petitioners are habitual offenders, I am not inclined to grant bail to the petitioners and, as such, their application for bail is rejected.

However, if the petitioners surrender and pray 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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