

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51257 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- KHAGAUL District- Patna

Monu @ Monti S/O Late Satyendra Ram Resident of Nandu Tola, Ward no-21, P.S.- Khagual, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-11-2022 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 Khagaul P.S. Case no. 115 of 2021 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 13.474 liters illicit country made foreign liquor of different quality from the house of other co-accused person namely, Sanjay Kumar.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the illicit liquor or with the place from where the recovery has been



made. The name of the petitioner came into light on the confessional statement of the accused person namely, Sanjay Kumar, who was arrest on spot. It is further submitted that 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 the petitioner has got three criminal antecedents of similar nature.

Having heard learned counsel for the parties and taking into consideration that the petitioner is a habitual offender, I am not inclined to grant bail to the petitioner and, as such, his prayer for bail is rejected.

This application is 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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