

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55183 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- KHAGARIA RAIL P.S. District-
Khagaria

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Tempu Paswan Son of Bino Paswan Resident of Village- Kamalpur, Ward
No.-20, Chaiti Durga Mandir, P.S. town and District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-11-2022 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 khagaria Rail P.S. Case no. 103 of 2022 instituted for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

Prosecution case relates to recovery of 10 litres
country made wine from platform of Khagaria Railway station.

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 with the
alleged recovery of illicit liquor and his name has been



disclosed on confessional statement of co-accused Gango Tanti who was arrest on spot. 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 total nine criminal antecedents out of which three are similar in 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 stands 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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