

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57540 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- SAHARGHAT District- Madhubani

MUKESH PRASAD YADAV @MUKESH KUMAR YADAV Son of Dukhi Prasad Yadav Resident of Village- Ganguar, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-11-2022 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 Sahar Ghat P.S. Case no. 123 of 2022 instituted for the offence punishable under Sections 272, 273/34 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 225 litres nepali country made wine from the dickey of the car.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. The alleged vehicle does not belong to the petitioner. 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 three criminal cases are pending against the petitioner.

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

The application stands disposed off.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below keeping in mind that nothing has been recovered from conscious possession of the petitioner.

(Sunil Kumar Panwar, J)

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