

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60518 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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Sandeep Jha @ Bipul Jha @ Sandeep Kumar Jha Son of Late Dasrath Jha
Resident of Village- Lohna Paschim, Ward No.7, P.S.- Bhairvasthan, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2022 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 Bhairvasthan P.S. Case no. 154 of 2022 instituted for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

Prosecution case relates to recovery of 763.785 litres
country made foreign liquor from house of Md. Idris and 573
liters country made liquor from the orchard of the Jaykant
Mishra.

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 or the place from where the recovery has been made. 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 total seven criminal antecedents out of which one case is 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 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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