

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66805 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- RAFIGANJ District- Aurangabad

Mahesh Yadav Son of Late Sewak Yadav Resident of Khorikhap, P.S.-
Bendeya, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2022 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 Rafiganj P.S. Case no. 82 of 2022 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Prosecution case relates to recovery of 10 litres liquor from possession of co-accused Kaju Bhuiyan and 10 litres from the car. Driver of Car disclosed that the alleged consignment was supplied by the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



been falsely implicated in this case. 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 petitioner is having four criminal antecedents of similar nature.

Having heard learned counsel for the parties and taking into consideration that petitioner is a 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 of.

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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