

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66432 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- JAMHOR District- Aurangabad

=====

Dharmendra Kumar @ D.K. @ Guru Ji @ Dharmendra Mahto S/O Ram Sub-
hag Singh R/O Village- Western Mohan Bigha, P.S.- Dehri, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh

For the Opposite Party/s : Mr.Manoj 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 Jamhore P.S. Case no. 44 of 2022 instituted for the offence
under Sections 30(a), 30(c), 33, 36 of Bihar Prohibition and
Excise Act.

Prosecution case relates to recovery of total 1680
liters spirit from trolley of the tractor.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been made accused in this case on the
basis of mere suspicion. He has no concern either with the
alleged recovery of illicit spirit or with the tractor in question. It



is further submitted that the name of the petitioner is transpired in this case on the basis of confession made by co-accused namely, Dipak Kumar who was apprehended on spot. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that the petitioner has got total five criminal antecedents out of which four 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, considering the fact that petitioner is not apprehended on spot, nothing has been recovered from his conscious possessions.

(Sunil Kumar Panwar, J)

amandeep/-

U		T	
---	--	---	--

