

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26030 of 2023**

Arising Out of PS. Case No.-638 Year-2015 Thana- BETTIAH CITY District- West
Champaran

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Anil Prasad @ Anil Gupta @ Anil Kumar Son Of Jamadar Prasad Resident Of
Village - Dumri, P.S. - Yogapatti, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Mohammad Sufyan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 17-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bettiah
(Town) P.S. Case No. 638 of 2015 registered for the offences
punishable under Sections 420, 406, 467, 468, 471, 384, 506 of
the Indian Penal Code pending in the Court of learned C.J.M.,
Bettiah, West Champaran.

3. As per the prosecution case, in the year 2014-
2015, the petitioner along with other accused person applied
for liquor lottery in the name of informant without knowledge
of the informant, which was allotted in the name of the
informant in Group No. 64 and conspired to implicate him by
evading taxes.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the informant is fully aware with regard to allotment of liquor shop and it is unbelievable that the Excise Department would allot the Liquor Shop without verifying the relevant facts and identity of the allottee. The petitioner has six criminal antecedents as mentioned in para-3 of the bail application.

5. By order dated 13.07.2023, case diary along with criminal antecedents of the petitioner is called for by this Court, thereafter, a supplementary affidavit is filed on behalf of the petitioner stating therein that the petitioner have another eight criminal antecedents.

6. Learned APP for the State vehemently opposing the bail and submitted that from perusal of the case diary it appears that the petitioner has eight more criminal antecedents, which has not been mentioned in this application. Thus, the petitioner has tried to suppress this fact and on this ground alone, he does not deserve privilege of anticipatory bail.

7. As petitioner has tried to suppress his criminal antecedent, I am not inclined to grant him privilege of



anticipatory bail.

8. Accordingly, the prayer for anticipatory bail of petitioner is hereby rejected.

9. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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