

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36827 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Bachchu Rai @ Ramjanam Rai S/O Late Sukhanandan Rai R/O Village-
Ismailpur, P.S- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of 80 liter country made liquor has been made which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the alleged recovery of liquor has not been made from the possession of the petitioner rather it has been made from an open area which does not belong to the petitioner. Though the petitioner is accused in three more criminal cases

but he is on bail in those cases.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner found indulged in the said offence and he has serious criminal antecedent.

6. In the present facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Hajipur Sadar P.S. Case No.193 of 2023 to the satisfaction of learned Exclusive Special Excise, Court No.1-cum-Addl. Sessions Judge, Vaishali at Hajipur.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of four weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J)

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