

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39595 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Jitendra Kumar Nanho @ Jitendra Kumar @ Nanhe @ Jitendra @ Jitendra
Kumar Singh Son Of Nand Kishore Singh @ Nand Kishor Singh Resident Of
Village - Baghi, P.S. - Samastipur (M), Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Adv

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and

learned counsel for the Additional Public Prosecutor for the

state.

2. The petitioner apprehends his arrest in
connection with Musrigharari P. S. Case No. 157 of 2022
instituted under Section 467,468,471,420/34 of the Indian
Penal Code and section 30(a), 32,36,41 of Bihar Prohibition
& Excise Act.

3. As per the prosecution case on raid by the
police on basis of secret information, total 874.44 liters
foreign liquor has been recovered from different vehicles.
Three bootleggers have been apprehended, who disclosed



that the petitioner on whose instruction the seized liquor was brought on truck.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He submits that apprehended co-accused, who was sitting on the driving seat has falsely disclosed that he had carried the said liquor at the instance of the petitioner. Petitioner is neither driver nor owner of the vehicles in question. Petitioner has got eight criminal antecedent including the cases of Excise Act.

5. Learned APP for the State Opposes the prayer for anticipatory bail and submits that petitioner is habitual offender.

6. Considering the facts and circumstances of the case, submissions of the parties, allegation against the petitioner and eight criminal antecedents of the petitioner, this Court is not inclined to grant him anticipatory bail, accordingly his prayer for anticipatory bail stands rejected.

7. However, if the petitioner surrenders before the learned court below within four weeks from today and seeks regular bail, his bail petition shall be disposed of on



merit without being prejudiced to the rejection of this
anticipatory bail.

(Sunil Dutta Mishra, J)

N.K/-

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

