

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42493 of 2023**

Arising Out of PS. Case No.-93 Year-2020 Thana- NAUTAN District- Siwan

Raj Kumar Sah S/O Shri Ram Sah R/O Village- Hasua, P.O- Hathauji, P.S-  
Nautan, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Shahi  
For the Opposite Party/s : Mr. Syed Ehteshamuddin

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

2      10-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. Earlier the anticipatory bail application of the petitioner was rejected by a co-ordinate bench of this Court vide order dated 17.04.2021 passed in Cr. Misc. No. 36806 of 2020.

3. The petitioner apprehends his arrest in Nautan P.S. Case No. 93 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, pending in the Court of learned Additional District and Session Judge-II-cum Special Judge Excise, Siwan.

4. As per the prosecution case, 85.600 liters of illicit liquor is said to have recovered from the motorcycle of the petitioner.

5. 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 petitioner is not the owner of the seized motorcycle. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

6. In such view of the matter and considering the judgment of Hon'ble Apex Court in the case of *Ananda Babu vs. State of Tamil Nadu and Another* reported in *2021 SCC online SC 176*, whereby the Court has held that the second anticipatory bail application is not maintainable, I am not inclined to entertain the prayer of the petitioner once again.

7. Accordingly, this application is dismissed.

**(Anjani Kumar Sharan, J)**

anand/-

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