

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46127 of 2023

Arising Out of PS. Case No.-766 Year-2021 Thana- SASARAM NAGAR District- Rohtas

1. Brijmal Bind Son Of Shiv Kumar Bind Resident Of Village - Alamganj, P.S. - Sasaram Town, Distt. - Rohtas At Sasaram
2. Ashok Prasad @ Kauwa Bind Son Of Shiv Kumar Bind Resident Of Village - Alamganj, P.S. - Sasaram Town, Distt. - Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Sasaram (Town) P.S. Case No. 766 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018, pending in the Court of learned Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram.

3. As per the prosecution case, on the basis of secret information, the informant raided the house of the petitioners and co-accused and recovered total 5 liters country made liquor from the house of the petitioners.



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 petitioners have been made accused in the present case only on the basis of criminal antecedent earlier pending of same nature against them, except this there are no evidences against the petitioners to connect them with this case. The petitioners have three criminal antecedents as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioners are involved in illegal trade of liquor along with co-accused. Hence, they do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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