

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46522 of 2023**

Arising Out of PS. Case No.-228 Year-2023 Thana- SONEPUR District- Saran

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HARENDRA RAI SON OF BALLAM RAI RESIDENT OF VILLAGE-  
PURANI CHAI TOLA @ SABALPUR PURANI CHAI TOLA, PS-  
SONEPUR, DISTT- SARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Akbar Ali

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      04-08-2023                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sonepur P.S. Case No. 228/2023 registered for the offences punishable under Sections 30 (a) and 4 (i) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 100 liters country made liquor from place of occurrence. Petitioner is not apprehended on the spot and local Chaukidar disclosed the name of petitioner and other who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of two cases of similar nature in which he is on bail. He further submits that nothing has been recovered from the conscious possession of the petitioner and has no concerned with the seized liquor. Local Chaukidar disclosed the name of petitioner, except this there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the petitioner has two criminal antecedents of similar nature.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner as well as material available on record, keeping in view criminal antecedent against the petitioner which is of similar nature, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

**(Alok Kumar Pandey, J)**

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