

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5721 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- WARISNAGAR District- Samastipur

Jitendra Kumar @ Jitendra Son Of Ram Kishore Ray Resident Of Village-
Bhola Tole, Ward No. 06, Dinmanpur, Ps- Khanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in Warisnagar P.S. Case No. 98 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, pending in the Court of learned Special Judge (Excise-02), Samastipur.

3. This is the third attempt of the petitioner for grant of anticipatory bail. Earlier the bail was rejected twice by this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 37165 of 2023 and vide order dated 06.10.2023 passed in Cr. Misc. No. 63639 of 2023.

4. Allegation is of recovery of 6633.360 liters of illicit liquor from a truck and a pickup van.



5. Learned counsel for the submits petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized illicit liquor or the place of recovery or any trade of illicit liquor. The petitioner has two criminal antecedents as mentioned in para-3 of this application.

6. Per contra, learned APP for the State opposes the prayer for anticipatory bail.

7. In such view of the matter and the fact that there is no new ground for grant of anticipatory bail, 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 even the second anticipatory bail application is not maintainable and this is the third attempt of the petitioner for grant of anticipatory bail, I am not inclined to entertain his prayer once again.

8. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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