

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10286 of 2024

Arising Out of PS. Case No.-204 Year-2021 Thana- JANTA BAZAR District- Saran

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Munchun Nut son of Sudama Nut Village- Banpura Ps- Janta Bazar Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-03-2024 Heard learned Senior Counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in Janta Bazar Case No. 204 of 2021 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016, pending in the Court of learned 2nd Exclusive Special Excise Court, Saran.

3. Earlier by order dated 08.09.2022 passed in Cr. Misc. No. 30691 of 2022, the prayer for anticipatory bail of the petitioner was rejected, but when the order passed on 08.09.2022 nobody appeared on behalf of the petitioner and on the submission of learned counsel for the State the anticipatory bail application of the petitioner was rejected. Now, he has



renewed his prayer for anticipatory bail.

4. As per the prosecution case, 25 litres of country made Mahua liquor has been recovered from palani of the petitioner.

5. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He submits that no liquor has been recovered from conscious possession of the petitioner. He further submits that the alleged liquor has been recovered on palani which is an open space and is easily accessible to anyone. The petitioner has three criminal antecedents of similar nature as mentioned in para-3 of this application.

6. Per contra, learned APP for the State vehemently opposing the bail of the petitioner submitted that the allegations levelled against the petitioner is serious in nature, hence, he does not deserve privilege of anticipatory bail.

7. In such view of the matter and nature of the offence 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 his prayer once again.

8. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

anand/-

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