

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20407 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- HATHAURI District- Muzaffarpur

1. Santosh Sah Son of late Dipa Sah Resident of vill.-Dih Jeevan, P.S.-Hathauri, Distt.-Muzaffarpur
2. Bablu Sah Son of Ravindra Sah Resident of Village-Dih Jeevan, P.S.-Hathauri, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bablu Sah Son of Ravindra Sah Resident of vill.-Dih Jeevan, P.S.-Hathauri, Distt.-Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mrs. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application submitting that during pendency of this application the petitioner no. 2 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to petitioner no. 2 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to petitioner no. 1.



6. Heard learned counsel for the petitioner and learned A.P.P. for the State.

7. The petitioner apprehends his arrest in Hathauri P.S. Case No. 226 of 2023 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

8. As per the prosecution case, it is alleged that 13.875 liters of foreign liquor has been recovered from the house of the petitioner.

9. 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 was neither apprehended on the spot nor anything was recovered from their conscious possession. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

10. Learned APP for the State opposes that prayer for anticipatory bail and submits that the illicit liquor has been recovered from the house of the petitioner.

11. Considering the facts and circumstances of case and the fact that illicit liquor has been recovered from the house



of the petitioner no. 1, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 1 is hereby rejected.

12. However, if the petitioner no. 1 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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