

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28862 of 2024

Arising Out of PS. Case No.-149 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Pappu Paswan Son Of Gopal Paswan Resident Of Village - Siyapur, Police
Station - Tekari, District - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh

For the Opposite Party/s : Mr. Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-11-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in Excise P.S.

Case No. 149 of 2011 registered for the offences punishable

under Sections 47(a) and (f) of the Bihar Excise Act.

3. Earlier by order dated 13.03.2014 passed in Cr.

Misc. No. 50070 of 2013, the prayer for anticipatory bail of the

petitioner was rejected with a direction to surrender before the

Court below, but the petitioner had not surrendered for before

the Court below. Now, he has renewed his prayer for

anticipatory bail.

4. As per the prosecution case, on the basis of secret

informant a raid was conducted by the informant along with

police personnel near bank of Morhar river at illegal Chulai

Adda, where petitioner managed to flee away from spot. It is

further alleged that on search 700 kg. Jawa Mahua & 20 litres of



illicit liquor was recovered from the spot.

5. Learned counsel for the petitioner submits that the 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. He submits that the petitioner has no concern either with the seized liquor or the place of recovery or any trade of illicit liquor. The petitioner has four criminal antecedents as mentioned in para-3 of this application.

6. Learned APP for the State opposed the prayer for anticipatory bail.

7. In such view of the matter 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)

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