

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33352 of 2024

Arising Out of PS. Case No.-371 Year-2022 Thana- WAJIRGANJ District- Gaya

MAHESH KUMAR S/O UMAN YADAV @ SHANKAR YADAV R/O
VILLAGE- GOLI, P.S- FATEHPUR, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Wazirganj P.S. Case No. 371/2022 registered for the offences punishable under Sections 411, 413, 414, 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, there is alleged recovery of altogether 250 litre illicit country made liquor from three motorcycles in question out of which 60 litre country made liquor was recovered from the motorcycle which was being driven by the petitioner.

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. The



petitioner bears criminal antecedent of four cases and in all cases he is on bail. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was neither owner of the said motorcycle nor was concerned with the seized liquor.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner, keeping in view petitioner having criminal antecedent of four cases out of which one case is similar to the present case.

6. Considering the facts and circumstances of the case, petitioner having criminal antecedent of four cases out of which one case is similar to the present case, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

7. However, the petitioner is directed to surrender before the concerned court within six weeks from the date of receipt of the order. If petitioner surrenders and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by order of this court.

(Alok Kumar Pandey, J)

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