

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58929 of 2024

Arising Out of PS. Case No.-711 Year-2021 Thana- KHAGARIA District- Khagaria

Sunil Bhardwaj @ Sunil Kumar S/o Late Kalyan Sharma Resident of C 71
ETA First Greater Noida PS Beta 2 Gautam Budh Nagar Noida Uttar Pradesh,
Permanent R/o vill - Noorpur Mandiya, P.S. - Gluwathi, Distt. - Bulandshahar
(U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivanand Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Khagadia (M) P.S. Case No. 711 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 2934 litres of illicit foreign liquor from a Container bearing
Regd. No. UP 21N-5111.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner is the Director of a distillery company in Himachal Pradesh in the name and style of Kala AMB Distillery and Breviary Pvt. Ltd.. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of confessional statement of other co-accused Shyam Yadav. The petitioner has nothing to do with alleged recovery of wine. The petitioner has no concern with the seized vehicles or the co-accused Shyam Yadav. The petitioner is even not related to either the consignor or the consignee of the goods recovered. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has altogether thirteen criminal antecedents as has been stated in paragraph no.3 of the present anticipatory bail application but, in all the cases, he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Dipak Kumar Rai @ Dipak Rai has been granted anticipatory bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 42975 of 2024. Co-accused Shyam Yadav has also been granted bail by this Court vide order dated 19.02.2024 passed in Cr. Misc. No. 9118 of 2024.



6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the petitioner has altogether thirteen criminal antecedents of similar nature of offences and, thus, he does not deserve anticipatory bail.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner as also there being thirteen criminal infanticides of similar nature of offences, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

9. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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