

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69051 of 2024

Arising Out of PS. Case No.-585 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Anil Yadav @ Anil Kumar S/o Late Ramashray Yadav R/o Village-
Gandhinagar, ward no. 33, P.S Aurangabad Town, District Aurangabad
... .. Petitioner.

Versus

The State of Bihar. Opposite Party.

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Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act, 2016.

3. It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner rather 10.08
liters of country made liquor is said to have been recovered
from the behind the *Gumti* of the petitioner. It is further
submitted that petitioner has no concern either with the seized
liquor or the place of recovery or any trade of liquor. The
allegation levelled against the petitioner is not specific rather
general and omnibus in nature. The place of recovery is an open
place and easily accessible to anyone. Petitioner has been falsely



implicated in this case at the instance of his enemy. Petitioner has seven criminal antecedents as mentioned in para-3 of this application.

4. Learned APP for the State vehemently opposing the bail petition submitted that petitioner has seven criminal antecedents of similar nature of the offence which shows that he is a habitual offender. Hence, the petitioner does not deserve for anticipatory bail.

5. In view of the facts and circumstances of the case and the criminal antecedents, I am not inclined to entertain the prayer for anticipatory bail of the petitioner. Accordingly, this application is dismissed.

6. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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