

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86580 of 2024

Arising Out of PS. Case No.-203 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

=====

Md. Bochaiya @ Md. Sattar son of Unish Miyan @ Md. Unnish Miyan
village- Sindhiya Kamalpur, Ps- Bidpur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in C2A Case
No. 203 of 2016 registered for the offences punishable under
Sections 47A and 54 of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, 111.975 liters of
country made liquor is said to have been recovered from the
place of occurrence.

4. 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
no illicit liquor has been recovered from the conscious



possession of the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that earlier the anticipatory bail of the petitioner was rejected by a Co-ordinate Bench of this Court vide order dated 17.02.2017 passed in Cr. Misc. No. 6047 of 2017, with a liberty to the petitioner to surrender before the learned Court below, but the petitioner has not surrendered before the learned Court below and again moved before this Court for anticipatory bail after lapse of six years, as such he does not deserve privilege of anticipatory bail.

6. Considering the fact that the petitioner has not surrendered before the learned Court below and again moved before this Court for anticipatory bail after lapse of six years, as such the petitioner has not only abused the process of law but also wasted the valuable time of this Court. In such view of the matter, this Court deems it fit and proper to impose a cost of Rs.10,000/- (Rupees Ten Thousand) upon the petitioner, which shall be deposited in the account of Lawyer's Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.



7. In view of the aforesaid and considering the dictum of the 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)

anand/-

U		T	
---	--	---	--

