

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50315 of 2025

Arising Out of PS. Case No.-308 Year-2019 Thana- JOKIHAT District- Araria

Shavaj @ Sahavaj, S/o Mohammad Jahid, R/o Village- Turakali,
Bhagwanpur, Ward No. 11, P.S.- Jokihat, District- Araia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prasoon Kumar, Advocate
For the Opposite Party : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second anticipatory bail application of the petitioner who is an accused in Jokihat P.S. Case No. 308 of 2019 registered for the offences under Sections 272, 273 and 34 of the Indian Penal Code read with Section 30(a) of Bihar Prohibition and Excise Act, 2016. He has no criminal antecedent.

3. The petitioner earlier moved this Court in Criminal Miscellaneous No. 16144 of 2020 seeking pre-arrest bail. This Court has noticed the allegations against the petitioner and having found that he is the owner of the vehicle from which 30 cartons having 160 bottles in each of the cartons, a total of 4800 bottles containing Codine Phosphate and Chlopheniramine were there, this Court took a view that the huge quantity of banned



medicines containing alcoholic substances were being transported in contravention of the provision of Law. The Court also noticed that Md. Safir in whose house the vehicle was standing and this petitioner both are co-villagers. This Court vide its order dated 25.11.2020 refused to grant privilege of anticipatory bail to the petitioner.

4. After almost five years, a second anticipatory bail application has been filed. No changed circumstance has been shown to this Court so as to entertain a second anticipatory bail application. In this regard, this Court relies upon the judgment of the Hon'ble Supreme Court in the case of **Kalyan Chand Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Another** reported in **AIR 2005 SC 921** and its own judgment in the case of **Birendra Yadav Vs. The State of Bihar** reported in **2022 (2) PLJR 553**. This Court finds that in the petition, there is no statement with regard to any changed circumstance which is required to be mandatorily stated in the petition as per notice dated 31st January, 2019 Admn. (Rules) Deptt. (IX-10-2017) of Patna High Court.

5. Learned APP for the State has submitted that this is a frivolous application and the petitioner does not seem to be a law abiding citizen. Once, the prayer for anticipatory bail was



refused, the petitioner could have surrendered in the court below and prayed for anticipatory bail but instead of doing that, he is not submitting himself to the jurisdiction of the court and the Investigating Agency.

6. Having regard to the submissions noted hereinabove and the earlier order of this Court passed in Criminal Miscellaneous No. 16144 of 2020, this Court is of the considered opinion that the present second anticipatory bail application is not fit to be entertained. Neither there is any stipulation in the petition with regard to any changed circumstance nor learned counsel for the petitioner has made any such submission in course of hearing of the case.

7. This application is, thus, dismissed being frivolous with a cost of Rs.10,000/- which the petitioner would be liable to deposit with the Patna High Court Legal Services Committee within one month from today, failing which the same will be realized in accordance with law.

(Rajeev Ranjan Prasad, J)

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