

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70496 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- HARLAKHI District- Madhubani

Saroj Sahni Son of Kushe Sahani Resident Of Village - Umgaon , P.S. - Harlakhi , District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Harlakhi P.S Case No. 323 of 2023 instituted for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation in the FIR, total 93 litres of illicit Nepali country made liquor has been from a Tempo bearing registration NO.BR-32PA-7683.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that petitioner has got two criminal antecedent in the



same nature of the offence as stated in para-3 of the petition and he has no concern with the seized liquor and petitioner has been made accused only on the basis of confessional statement of co-accused Md. Anwarul. He next submits that similarly situated co-accused has been granted regular bail by this Court passed in Cr. Misc. No.11689 of 2024.

5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner and submits that granting anticipatory bail to the petitioner may affect the investigation of this case.

6. From perusal of the F.I.R., seizure list and impugned order dated 22.04.2024, it appears that petitioner has got two criminal antecedent in the same nature of the offence and the present petition is barred by Section 76 (2) of Bihar Prohibition and Excise Act, 2016, so I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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