

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11419 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -JURAWNPUR District- VAISHALI(HAJIPUR)

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Kunal Rai, son of Jugeshwar Rai, Resident of Village- Raghapur Purvi,
P.S.- Jurawanpur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

4 21-04-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Jurawanpur P.S. Case No. 03 of 2017 for the offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, acting on a tip off that the petitioner has concealed foreign liquor in the Bhushkaul in Village- Raghapur Purvi, raid was conducted but seeing the police personnel the petitioner fled away and after search 792 bottles 750 ml. each of Royal Stage foreign liquor concealed in the Bhushkaul situated at a distance of ten meters from the house of the petitioner was recovered.

Submission is of false implication and that the



petitioner has not been arrested at the spot, nothing has been recovered from his conscious possession, the alleged liquor has not been recovered from the house of the petitioner, the petitioner is never indulged in the business of dealing with the illegal liquor rather he is running a Tobacco Shop in Kolkatta, he used to reside there with his family members and occasionally visit at the house situated in the Village- Raghapur Purvi, the recovery has been made from the abandoned Bhushkaul situated at a distance of ten meters from the house of the petitioner and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that it was the petitioner who has concealed the said illicit liquor in the Bhushkaul.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M.-VIII, Vaishali at Hajipur.

(Jitendra Mohan Sharma, J)

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