

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52988 of 2017

Arising Out of PS. Case No.-40 Year-2017 Thana- Nadi P.S. District- Patna

Ram Bali Ray, Son of Late Saryug Ray, Resident of Village- Kachi Dargah,
Bankeghat Station Road, P.S.- Nadi, District- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 09-11-2017 Heard Sri Shiv Prasad Gupta, learned counsel for the
petitioner and Sri Chandrasen Prasad Singh, learned Addl.
Public Prosecutor.

The sole petitioner, apprehending his arrest in Nadi P.S.
Case No.40 of 2017 registered for the offence under
Section30(A) of the Bihar Prohibition and Excise Act,2016, has
prayed for grant of bail, in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that
the petitioner has falsely been implicated as per instance of
Pramod Rai, who is also one of the co-accused in the present
case. By way of referring to the seizure list at page 12 of the
petition, learned counsel for the petitioner has argued that
though in the body of the F.I.R. it has been shown as if recovery
was affected from the house of the petitioner, but in the seizure
list, the place of recovery has been shown in the road going to
Bankaghat from Kachi Dargah. It has also been argued that he



has been made accused by Pramod Kumar Rai, with whom there was animosity. It has been argued that it is a fit case for anticipatory bail.

Though it has been argued that the petitioner has falsely been implicated, but on perusal of the F.I.R. it is evident that after secret information received by the police, a raid was conducted in three houses including the house of the petitioner. Of course, on perusal of the seizure list it appears that a joint seizure list was prepared, but in the body of the F.I.R, there is specific accusation against the petitioner and the petitioner has been made accused in the present case. It is not clear as to whether the petitioner has been made accused as per instance of Pramod Kumar Rai, rather a raid was conducted and from the house of the petitioner recovery was affected.

Considering the fact that recovery was affected from the house of the petitioner, the Court is of the opinion that it is not a fit case for anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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