

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46087 of 2018

Arising Out of PS.Case No. -481 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Anuj Rai @ Anuj Kumar Rai S/o Sri Vishwanath Rai, R/o village-
Akilabad, P.S.- Sadar Hajipur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 08-08-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Hajipur Sadar
P.S. Case No. 481 of 2016 registered for an offence punishable under
section 30 (A) of the Bihar Prohibition & Excise Act, 2016.

It is the third attempt of the petitioner for anticipatory
bail. The prayer of this petitioner has already been rejected by this
Court on 18.07.2017 in Cr. Misc. No. 29987 of 2017 and also on
21.02.2018 in Cr. Misc. No. 60771 of 2017. The said criminal
miscellaneous applications have been dismissed on merit as well as also
holding that anticipatory bail petitions of the petitioner are not
maintainable in view of section 30 (A) of Bihar Prohibition & Excise
Act, 2016.

It appears that four vehicles including one 'ten- wheeler'



vehicle (heavy truck) loaded with foreign liquor were seized in the premises of the petitioner. The police found some persons unloading the said truck and keeping the wine in light vehicles. Antecedent of the petitioner is mentioned in paragraph 3 of this application.

The contention of the learned counsel for the petitioner is that the petitioner has been allowed bail in one of the case bearing Hajipur P.S. Case No. 548 of 2017 registered for the offences under sections 188, 420, 120-B of the Indian Penal Code and sections 30, 38 and 47 of the Bihar Prohibition & Excise Act, 2016 by one of the coordinate Bench of this Court in Cr. Misc. No. 59904 of 2017 in view of the fact that 1556 litre liquor was recovered from an abandoned hut of other co-accused late Lalbabu Rai. The alleged recovery in present case is not from the conscious possession of the petitioner and so he deserves anticipatory bail.

Considering facts and circumstances as well as observation given in Cr. Misc. No. 60771 of 2017 as regards recovery of wine in huge quantity and his involvement in four more cases, I am not inclined to reconsider his prayer of anticipatory bail.

Prayer of the petitioner stands rejected.

(Sanjay Kumar, J)

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