

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3155 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- NADI P.S. District- Patna

Shiv Nath Rai, son of Sri Naranjan Rai, Resident of Village- Kachchi Dargha,
P.S- Nadi, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar, Adv.

For the Opposite Party/s : Dr.(Mrs) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Nadi P.S. Case No.171 of 2018 dated 02.09.2018 registered for the offences punishable under Sections 30 (a) and 38 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on perusal of the allegations made in the First Information Report and the seizure list it will appear that the vehicle carrying illicit liquor was standing on the Bank of river Ganga in front of the plant of this petitioner and the liquors were being loaded on a boat. Learned counsel submits that so far as this petitioner is concerned he has been named in the present case on the confessional statement of the co-accused who was arrested at



the spot. It is submitted that only because the vehicle was seized in front of the plant of the petitioner, the petitioner has been falsely implicated in this case. He has also no criminal history.

On the other hand, learned APP for the State is present and has opposed the prayer of anticipatory bail as according to her the vehicle was seized when it was found that the vehicle was inside the plant which was situated near the river Ganga. Learned APP submits that in the confessional statement the co-accused has stated that the truck enters in the area in question with the permission of the owner of the plant and the owner of the plant is the present petitioner.

In the given facts and circumstances, this Court does not find it a fit case for grant of anticipatory bail. It will, however, not prejudice his case if he surrenders and prays for regular bail in the learned Court below within a period of two weeks from today. In case such a prayer is made, the learned Court below shall consider the same keeping in mind the materials collected by the police in course of investigation particularly with respect to the location from which the truck in question was seized. It will be open for the petitioner to demonstrate in the learned Court below that the truck was not seized from the premises of the plant.



This application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

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