

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9268 of 2019

Arising Out of PS. Case No.-408 Year-2018 Thana- LALGANJ District- Vaishali

Ravindra Ray (Male age about 22 years) Son of Bangali Ray Resident of Village - Sararia, P.S-Lalganj, Dist. Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Lalganj P.S. Case No.408 of 2018 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per allegations, on a secret information when the police party raided the 'Hutment' belonging to this petitioner, altogether 126.75 liters of illicit liquors have been recovered. It is submitted that there is no recovery from conscious possession of the petitioner as the same has been recovered from the 'Hutment' of the petitioner where 'Goitha' was kept.

Learned APP for the State is present and has opposed



the prayer for anticipatory bail. It is submitted that though in such circumstance, where the recovery is from a place belonging to the petitioner, the privilege of anticipatory bail need not be extended to the petitioner.

Considering the submissions, this Court is of the considered opinion that where there is a recovery from the 'Hutment' of this petitioner, this Court would not be willing to extend the benefits of anticipatory bail to the petitioner.

The application is, thus, dismissed.

In case the petitioner surrender and prays for regular bail in the learned Court below within a period of four weeks from today, his prayer for bail shall be considered on its own merit on the basis of the materials available on the record and rejection of the anticipatory bail by this Court shall not cause any prejudice in the mind of the learned Court below.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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