

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10964 of 2019

Arising Out of PS. Case No.-284 Year-2018 Thana- MUSAHARI District- Muzaffarpur

Harendra Rai @ Harinder Rai (Male) aged 29 years, S/o Vindeshwar Ray
Resident of Village- Manika Bishunpur, P.S.- Mushahari, District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Mushahari P.S. Case No. 284/2018 registered under Sections 272, 273 of the Indian Penal Code and Section 30(a), 36, 38 of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that there was no recovery of illicit liquor from the conscious possession of the petitioner. It is however admitted that the motorcycle in question from which the recovery has been made belongs to the petitioner.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail by submitting that the motorcycle in question belongs to the petitioner and if huge



quantity of illicit liquor were being transported by said motorcycle, the petitioner would not be entitled to get the benefit of anticipatory bail.

In the given facts and circumstances of the case where it is the submission of learned A.P.P. and no denial by learned counsel for the petitioner that the motorcycle in question belongs to the petitioner and there is recovery from the said motorcycle, this court is not inclined to grant privilege of anticipatory bail to him.

Accordingly, prayer for anticipatory bail of the petitioner is refused.

In case, the petitioner surrenders and prays for regular bail in the court below the same shall be considered on its own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

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