

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11917 of 2019

Arising Out of PS. Case No.-233 Year-2018 Thana- MOHAMMADPUR District- Gopalganj

1. Mulayam Ray @ Mulayam Yadav @ Shyam Sundar Kumar Yadav, aged about 25 years, Male, Son of Lalan Yadav, Resident of Village- Ajbi Nagar, P.S.- Mahmmadpur, District- Gopalganj
2. Ankush Rawat @ Ankush Raut @ Ankush Kumar, aged about 22 years, Male, Son of Laxman Rawat Resident of Village- Ajbi Nagar, P.S.- Mahamadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Yadav
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Mohamadpur P.S. Case No. 233 of 2018 registered for the offences punishable under Sections 30 (a)/38/41 of Bihar Prohibition of Liquor and Excise Act, 2016.

Learned counsel for the petitioners submits that the name of these petitioners have transpired in the confessional statement of one apprehended accused, namely, Ajay Rai. It is, however, submitted that nothing incriminating has been recovered from the house of the petitioners and further none of the vehicles has got connection with these petitioners. A



supplementary affidavit has been filed to this stating that the vehicles do not belong to either of the petitioners.

On the other hand, learned APP for the State submits that in the confessional statement of the apprehended accused, name of these petitioners have transpired as they are said to be involved in trading of illicit liquor. It is further submitted that altogether 621 liters of illicit liquor has been recovered and more over these petitioners seems to be habitual as they are also involved in a case of similar nature in which they are on regular bail.

Having heard learned counsel for the petitioners and learned A.P.P. representing the State, even though, this Court finds that the name of these two petitioners have transpired in the confessional statement of the apprehended accused and nothing has been recovered from their possession, but the Court is not inclined to grant anticipatory bail to the petitioners by taking note of the statements made in Paragraph 3 of the present application where it appears that both the petitioners are accused in Sindhwaliya P.S. Case No.174 of 2018 in which they are on bail. Since, they are accused in an offence of similar nature, the prayer for anticipatory bail to these petitioners is refused and in case the petitioners surrender and pray for regular bail in the



learned Court below within a period of four weeks from today,
their prayer for bail shall be considered on its own merit
without being prejudice by the order of this Court.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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