

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21431 of 2019**

Arising Out of PS. Case No.-968 Year-2018 Thana- MOTIPUR District- Muzaffarpur

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KRISHNA KUMAR S/o Roopnandan Rai, Resident of Village Sadhna
Dumber P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nitu Kumari

For the Opposite Party/s : Mr.Ansar Ul Haque

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-07-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Motipur P.S.Case No.968 of 2018 registered for offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 38 and 41 of the Bihar Prohibition of Excise Act.

Allegation as per FIR is that the accused persons including the petitioner has kept foreign liquor in huge quantity in the house of one Roopnandan Rai and thereafter the police reached at the place, recovered 1536 ltrs. of foreign liquor from the house and the villagers also disclosed the name of the petitioner along with the others, who were engaged in the business of the liquor.



Submission of the learned counsel for the petitioner is that Roopnandan Rai from whose house liquor has been recovered and another co-accused Lakhindra Rai have been granted bail by Co-ordinate Benches of this Court, vide order dated 4.4.2019 passed in Cr. Misc. No.21110/19 and order dated 14.2.2019 passed in Cr. Misc. No.8919 of 2019 respectively.

Heard learned A.P.P., who has opposed the prayer for bail on the ground that the petitioner is named in the FIR and the villagers have also disclosed their name and so far anticipatory bail granted to the co-accused persons is concerned, that has been granted prior to decision of Hon'ble Full Court of this Court in Cr. Appeal (S.J.) No.431 of 2019 reported in **2019 (2) PLJR 1089** and in view of the Hon'ble Full Bench decision, this application is not maintainable as there are *prima facie* allegation against the petitioner .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, he may surrender before the learned court below and pray for regular bail, which will be considered on its own merit and also considering the submissions of the learned counsel for the petitioner and if possible to be disposed of on the same day.



With the aforesaid direction, this application is
dismissed.

(Vinod Kumar Sinha, J)

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