

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34635 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

JEETU RAI @ JITENDRA RAI Son of Yogendra Rai Resident of Village -
Largaon, P.S.- Bochaha, Distt - Muzaffapur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 17-08-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in Bochaha P.S. Case No. 97 of 2019, disclosing offence under Sections 272,273 of the Indian Penal Code and Sections 30(a), 30(ii) and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of the petitioner has submitted that even if the allegation as mentioned in the First Information Report is treated to be true, no offence under Sections 30(a), 32(ii) and 38(ii) of the Bihar Prohibition and Excise Act, 2016 can be said to be made out.

He has referred to the First Information Report to submit that only allegation against the petitioner is that he was found roaming around at a place near S.K. Line Hotel from where huge quantity of illicit liquor was recovered. He has submitted that merely on the basis of suspicion, the petitioner has been implicated.



I would have entertained the petitioner's application for grant of anticipatory bail but for the reason that he is accused in following cases:-

- i). Bochaha P.S. Case No. 24 of 2017
- ii). Excise Case No. 56 of 2017
- iii). Bochaha P.S. Case No. 165 of 2018, I am not inclined to do so.

In view of the Full Bench decision rendered in the case of **Ram Vinay Yadav vs. The State of Bihar**, reported in **2019(2) PLJR 1089**, this application cannot be maintained and is accordingly dismissed.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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