

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36118 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- RAJNAGAR District- Madhubani

RAJ KUMAR RAY Son of Ram Kishun Rauth Resident of Village- Dhanga,
P.S.- Arer, District- Madhubani. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Mr.Amarendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Rajnagar P.S. Case No. 89 of 2019 for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is the owner of the Scorpio vehicle bearing Registration No. BR07P-0620 which is one of the vehicles seized in the present FIR. From the Scorpio altogether 72 liters of illicit liquor has been recovered.

One of the submissions of learned counsel for the petitioner is that some of the co-accused similarly situated have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 33777 of 2019 vide order



dated 14.08.2019. On going through the said order, however, this Court finds that in the said application one of the pleas of the petitioners was that they had no concern either with the seized liquor or with the vehicle in question. In the present case the petitioner is the owner of the vehicle and therefore, reliance placed on the order of the learned co-ordinate Bench is not acceptable to this Court.

In view of the Hon'ble Full Bench judgment of this Court it is only when there is no prima-facie material to connect the petitioner with the alleged offence than an application for anticipatory bail may be maintained.

In this case since the vehicle belongs to this petitioner and huge quantity of illicit liquor has been recovered, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. His prayer is thus, refused.

In case the petitioner surrenders and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit and the court below shall not reject the same only because his prayer for anticipatory bail has been refused by this Court.

(Rajeev Ranjan Prasad, J)

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