

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36733 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- MOTIPUR District- Muzaffarpur

BIJLI RAI Son of Late Lakhan Rai, Resident of Village - Bhawanidih, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Raju Kr. Goswami and P.M.M. Prasad, Advs.
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 18-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Motipur P.S. Case No. 138 of 2019 for the offences punishable under sections 272 and 273 of the Indian Penal Code and sections 30(a), 39(i), 41 (i) of the Bihar Prohibition and Excise Act, 2016.

The police raid and recovered 600 litres spirit from there that was brought on the occasion of Holi festival and it was kept hidden in a thatched house of one Bijli Rai at Bariyarpur Bandh about 100 metre east from Shiv Temple. The Police party chased the accused persons, but they succeeded to flee away. They were identified by Shiv Kumar Rai and Ram Nath Rai. The petitioner is owner of the said house. The



learned counsel for the petitioner has placed reliance on the order passed in the case of Shiv Kumar Rai who has already been granted bail in Cr. Misc. No. 32677 of 2019. This order does not disclose the consideration of fact, but in the present case, the recovery has been made from the house of the petitioner.

Looking to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for bail is rejected. However, if the petitioner surrenders and prays for regular bail, the court below without being prejudiced by this order, will take decision in accordance with law.

(Shivaji Pandey, J)

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