

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40634 of 2019**

Arising Out of PS. Case No.-191 Year-2019 Thana- MOTIPUR District- Muzaffarpur

KAILASH RAI S/o Late Gulten Rai R/o village- Morsandi, P.S.- Motipur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 05-09-2019 Petitioner seeks bail in anticipation of his arrest in connection with Motipur P.S. Case No. 191 of 2019 registered for the offences punishable under Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act pending in the court of Special Judge, Excise Act, Muzaffarpur.

Allegation is of recovery of 322.500 litres of foreign liquor from the Bathan of the petitioner kept hiding in a ditch.

Submission of learned counsel for the petitioner is that the Bathan is not of the petitioner and he has falsely been implicated in this case and he has no criminal antecedent.

Heard learned APP, who has opposed the prayer for anticipatory bail on the ground of maintainability as recovery has been made from the Bathan of the petitioner.

In view of above facts and circumstances, I am not



inclined to grant the privilege of anticipatory bail to the petitioner. He may surrender and pray for regular bail.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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