

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40874 of 2019

Arising Out of PS. Case No.-460 Year-2018 Thana- CHIRAIYA District- East Champaran

Mukhi Rai S/o Ram Chandra Rai, Resident of Village- Saunaha, P.S.- Palanwa, District- East Champaran, at present resident of Village- Tikuliya P.S.- Muffasil (Motihari), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No. III

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 03-07-2019 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 Chiraiya P.S. Case No. 460 of 2018 registered for offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The police intercepted a “Wagon-R” vehicle bearing Registration no. DL-6CK-1171 and from the said vehicle, huge quantity of liquor has been recovered. The police asked the person that who was escorting the vehicle and he disclosed the name of this petitioner having stated that the petitioner purchased the wine from one Rajesh Kumar Rai and was sending the same to Motihari.



The learned counsel for the petitioner submits that Rajesh Kumar Rai has already been granted anticipatory bail by one of the coordinate Bench of this Court in Cr. Misc. No.14292 of 2019, but in the present case, the petitioner was escorting the car and as per allegation, the petitioner was owner of said liquor.

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, preferably on the same day.

(Shivaji Pandey, J)

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