

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49190 of 2019

Arising Out of PS. Case No.-104 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Ratnesh Rai @ Ratnesh Ray Son of Avdhesh Ray Resident of Village- Susta,
P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Gaighat (Benibad O.P.) P.S. Case No.104 of 2019, for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner is that the police
raided the house of the petitioner and recovered 24.375 litres of
illicit liquor from the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent having no criminal antecedent and has
falsely been implicated in this case with oblique motive.

After having heard learned counsel for the petitioner
as well as learned counsel appearing on behalf of the State and



taking into consideration the fact that the illicit liquor has been recovered from the house of the petitioner, accordingly, in view of Full Bench judgment passed in **Cr. Appeal (SJ) No.431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such the present anticipatory bail application is rejected.

However, if the petitioner surrenders before the Court below within a period of four weeks from today and seeks regular bail, the learned Court below shall consider his application for regular bail on the same day without being prejudiced to the fact that the present application has been dismissed by this Court.

(Anil Kumar Sinha, J)

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