

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50411 of 2019**

Arising Out of PS. Case No.-140 Year-2019 Thana- KARJA District- Muzaffarpur

Munna Kumar Yadav @ Shakti Suman @ Munna Yadav, aged about 39 years, Male, Son of Balram Rai Resident of Village- Raksa, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 04-11-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Karja P.S. Case No. 140/2019, G.R. No. 1032/2019 registered under Sections 30(a), 38 of Bihar Prohibition and Excise Act, pending in the court of Learned Special Judge, Excise Act, Muzaffarpur.

Learned counsel for the petitioner submits that it is a case of false implication at the instance of one Dr. Shravan Kumar and his wife. It is submitted that Dr. Shravan Kumar was the District Cooperative Officer, Muzaffarpur who was trapped and arrested red-handed by



Vigilance on the complaint made by the petitioner Shakti Suman being PACS Chairman and a Vigilance Case has been registered against him. In this regard, he had also given a Sanha and had expressed his apprehension of being falsely implicated. Learned counsel further submits that name of the petitioner had transpired in the confessional statement of co-accused before police, even though there is no recovery of illicit liquor from the possession of the petitioner.

It is further submitted that earlier four cases of similar nature were lodged against the petitioner for the alleged offence committed by him under the provisions of Bihar Prohibition and Excise Act and out of four cases, in three the petitioner has been granted privilege of anticipatory bail by learned coordinate Benches of this court. By taking note of the fact that petitioner had earlier made complaint against the then District Cooperative Officer who had threatened him of false implication.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner is a habitual offender and in fact by



taking a plea that he had made a complaint against the then District Cooperative Officer and for that reason he is being falsely implicated, he is unduly taking benefit of the privilege of anticipatory bail. It is submitted that with the application filed with this Court no material has been placed by the petitioner to even prima-facie demonstrate that on his complaint the vigilance case was registered against the District Cooperative Officer. Moreover, it is submitted that the case against the District Cooperative Officer was lodged in the year 2016, and for the first time, the petitioner came to be implicated in a case under the Excise Act in the year 2018 which shows that after about two years from his alleged complaint against the District Cooperative Officer, the petitioner was found involved in the offences alleged under the provisions of Bihar Prohibition and Excise Act and for that reason only he was made an accused. The submission that it is a case of false implication has been contested by learned A.P.P. for the State and it is submitted that the petitioner is taking undue advantage of the submission. He is said to be a habitual offender and in course of investigation it is his own co-villager Vijay



Prakash Yadav who has made confessional statement and has informed the Investigating officer that he was carrying the truck load of illicit liquor for the petitioner and earlier also he had done the same for the petitioner. It is submitted the statement of a co-villager carries some prima facie material and in such circumstance a custodial interrogation of the petitioner would be necessary. It is also submitted that there being four cases on the head of the petitioner between the year 2018 and 2019 for the same offence, his prayer for anticipatory bail is refused.

Having heard learned counsel for the petitioner and learned A.P.P. for the State as also after perusal of the records, this court is of the view that there being four criminal cases of similar nature against the petitioner and nothing being found by the Investigating Officer in course of investigation that it is a case of false implication that too two years after the alleged complaint said to have been made by the petitioner and the petitioner being an absconder and has not put his appearance even after the attachment of his properties, it would not be a fit case for the grant of anticipatory bail to the petitioner.



Prayer for anticipatory bail of the petitioner is refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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