

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51465 of 2019

Arising Out of PS. Case No.-138 Year-2019 Thana- VAISHALI District- Vaishali

1. VINOD KUMAR @ VINOD RAI @ BINOR RAI @ BINOD KUMAR Son of Ramchandra Rai Resident of Village-Rahimapur, P.S.-Vaishali, District-Vaishali.
2. Akhilesh Rai @ Akhilesh Kumar Son of Ramchandra Rai Resident of Village-Rahimapur, P.S.-Vaishali, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Prasad Singh
For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-08-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Vaishali P.S. Case No. 138 of 2019, disclosing offences under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioners has drawn my attention to an order dated 18.07.2019, passed by this Court in Cr. Misc. No. 44153 of 2019, whereby one co-accused Anil Rai has been allowed anticipatory bail. It is being submitted on behalf of the petitioners that the allegation against the co-accused Anil Rai and the present petitioner is similar and except for the confessional statement of a co-accused, there is no



material against them in the FIR.

I am not convinced with the submission made on behalf of the petitioners. The allegation against the petitioners and co-accused Anil Rai is quite distinguishable, as is evident from the FIR.

In any view of the matter, considering the bar under Section 76(2) of the Act, this application for grant of anticipatory bail cannot be maintained and is accordingly dismissed.

However, the petitioners are directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If they do so, the court below shall consider their prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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