

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50816 of 2019

Arising Out of PS. Case No.-365 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

MANOJ RAI @ MANOJ KUMAR, Son of Late Lala Rai Resident of Village
- Khalakbeg, P.S.- Hajipur Sadar, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-08-2019

Heard both sides.

The petitioner apprehends his arrest in Hajipur Sadar P.S. Case No.365 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The informant disclosed that he got information that somebody were bringing huge quantity of liquor on a truck bearing registration No.WB-73E-5716 and on such information, the truck was intercepted but the persons sitting on the truck bearing registration No.WB-73E-5716 stated fleeing away. The driver of the truck also started fleeing away but on chase, he was arrested near village Ghoswar. Two persons managed to flee away. The driver of the truck and one apprehended accused disclosed their names as Keshra Ram and Bhonu Kumar. Both the accused disclosed the name of the petitioner(Manoj Rai) and Ravi Rai who managed to flee away from the truck. Huge quantity of different brands of Indian made foreign liquor was recovered from the truck.

The learned counsel for the petitioner submits that the



recovery was made at 3 A.M. but the seizure list was prepared on 09.06.2019 at 15.15 P.M. It is submitted that name of the petitioner does not figure in the accused column of the F.I.R. The name of the petitioner was disclosed by the driver and Bhonu Kumar who were arrested on chase and, therefore, the petitioner deserves anticipatory bail but it appears from perusal of the F.I.R. itself that raid was conducted at 3 A.M. and the vehicle was intercepted. Two persons were apprehended on chase who disclosed their names as Bhonu Kumar and Keshra Ram. Bhonu Kumar and the driver, Keshra Ram disclosed the name of the petitioner on spot after being arrested.

Taking into consideration the facts aforesaid and the fact that the huge quantity of Indian made foreign liquor was recovered and the petitioner and others were alleged to be transporting the liquor for illegal sale, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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