

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77749 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- MINAPUR District- Muzaffarpur

RAMBABU SAHANI Son of Late Devaki Sahni Resident of Village-Dharpur
Minapur, Police Station-Minapur, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rabindra Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail in connection with Minapur P.S. Case No. 111 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a) and 38 of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that nothing has been recovered from active possession of the petitioner, he has no concern with the alleged Bolero vehicle and illicit liquor. It is further submitted that name of the petitioner has been taken by the apprehended accused and except the same there is no material against the petitioner.

Learned APP has opposed the prayer of anticipatory bail.



Considering the facts and circumstances of the case wherein the co-accused who was apprehended with the Bolero vehicle loaded with illicit liquor has disclosed that he had loaded the liquor from the house of this petitioner and further this Court finds that the petitioner has two criminal antecedents in which one is for the offence under the Bihar Prohibition and Excise Act itself, there being some *prima facie* material to connect this petitioner, this Court following the Full Bench Judgment of this Hon'ble Court in the case of **Ram Binay Yadav vs. The State of Bihar** reported in **2019(2)PLJR 1089**, is of the opinion that anticipatory bail application cannot be maintained in this case.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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