

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.496 of 2020

Arising Out of PS. Case No.-246 Year-2019 Thana- JANDAHA District- Vaishali

Vinay Rai @ Vinay Kumar Rai, Male, Aged about 30 years, S/o Bir Bahadur Rai, R/o village- Mahipura, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 31-08-2020 Heard Mr. Anuj Kumar, the learned counsel appearing on behalf of the petitioner and Mr. Sucheta Yadav, the learned Additional P.P.

The petitioner apprehends his arrest in Jandaha P.S. Case No.246 of 2019, registered under Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act.

The informant, S.H.O. of Jandaha P.S., alleged that he got confidential information that Vinay Rai @ Vinay Kumar Rai, the petitioner along with Rajesh Sahni, Suresh Rai, Nanki Sahni, Naresh Sahni, Mithu Rai and Vinod Rai have brought illegal consignment of liquor in village Sohni and parked the vehicle near Bridge No.13. The police raided the place but the accused persons managed to flee away. Two vehicles, one truck bearing Registration No.HR56B7247 and a pick-up van bearing Registration No.BR31GA1637 were seized. From the truck, 2969 litres of Indian made foreign liquor was recovered and from the pick-up van 777.6 litres of Indian made foreign liquor was recovered.



Learned counsel for the petitioner submits that the petitioner was not arrested on the spot. The petitioner has got no criminal antecedent. The petitioner had asked the driver to ply the pick-up van but the driver of the vehicle parked the pick-up van and started unloading the liquor from the truck on the pick-up van, and, therefore, the petitioner deserves anticipatory bail, but it appears that from perusal of the case diary as well as the FIR that the informant got specific inputs that it was the petitioner who had brought the huge consignment of liquor from a truck and the petitioner and others were unloading the liquor from the truck to his own vehicle, pick-up van in order to transport and stock the same to different places but when the police arrived at the place of occurrence, the petitioner managed to flee away but his pick-up van loaded with huge quantity of Indian made foreign liquor was seized.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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