

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2175 of 2020

Arising Out of PS. Case No.-288 Year-2019 Thana- KALYANPUR District- Samastipur

Santosh Rai @ Santosh Kumar @ Santosh Ray S/o Ramdev Rai @ Ramdev
Ray R/o village- Bhagwanpur Gorina, P.S.- Kalyanpur, District- Samastipur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P. Sinha, Sr. Advocate
Mrs. Kumari Vandana, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

The petitioner in this case is seeking anticipatory bail
in connection with Kalyanpur P.S. Case No. 288 of 2019
registered for the offences punishable under Sections 47, 30(a),
41(2)(1).

Learned Senior Counsel for the petitioner submits that
although the recovery of illicit liquor has been shown from the
Dalan (Bungalow) of the petitioner but it would appear from the
seizure list that both the seizure list witnesses are the police
personnel and there is no independent witness. It is further
submitted that the name of the petitioner has transpired in the
statement of apprehended accused.

Learned APP for the State has opposed the prayer of



anticipatory bail as according to him huge quantity of illicit liquor has been recovered from Dalan of this petitioner, therefore, there are some materials to implicate the petitioner in the present case.

Considering the facts and circumstances of the case particularly the huge quantity of illicit liquor allegedly recovered from the Dalan of this petitioner, there being some *prima facie* material to connect this petitioner, in view of 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**, this Court is not inclined to entertain this application for grant of anticipatory bail. Accordingly, this application stands dismissed.

In case the petitioner surrenders and prays for regular bail within a period of four weeks from today before the learned court below, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

(Rajeev Ranjan Prasad, J)

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