

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6551 of 2020

Arising Out of PS. Case No.-297 Year-2018 Thana- DESARI District- Vaishali

SANDEEP RAI @ SANDEEP KUMAR Son of Surydev Ray @ Suryadeo Rai Resident of Village - Sahdei Bujurg, P.S.- Desari (Sahdei O.P.), District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Desari(Sahdei O.P.) P.S. Case No.297 of 2018 registered under Sections 30(a), 30(c) and 30(d) of Bihar Prohibition and Excise Act.

The informant got confidential information that Sandeep Rai(the petitioner) is involved in sell and purchase of illegal liquor and he has owned a house in Sahdei Bazar. A raid was conducted and 5.250 litres liquor was recovered under the stairs of the house of the petitioner.

The learned counsel for the petitioner submits that the house is of joint family but only petitioner has falsely been implicated. The petitioner has no knowledge about keeping the liquor in his house. Petitioner has got no criminal antecedent but



the learned A.P.P. vehemently opposed the prayer for bail.

It appears that on secret information about the petitioner to keep liquor in his house and that the petitioner is indulged in sell and purchase of liquor, raid was conducted and 5.250 litres of liquor was recovered. Therefore, in view of Section 76(2) of Bihar Excise Act, the anticipatory bail is not maintainable as prima facie case under Section 30(a) of Bihar Prohibition and Excise Act is made out.

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

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner and dispose of the same preferably on the same day.

(Prabhat Kumar Jha, J)

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