

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14560 of 2020**

Arising Out of PS. Case No.-347 Year-2019 Thana- PIPRA District- East Champaran

MISHREELAL RAY S/o Late Manik Rai @ Malik Rai, R/o Village-
Sariyatpur, P.S.-Pipra, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arbind Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 03-09-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Pipra P.S. Case No.347 of 2019 registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The police got secret information that Ram Ekbal Bhagat was selling liquor in village Bishunpura and on such information, a raid was conducted. Ram Ekbal Bhagat was apprehended and from his possession, 15 litres of liquor was recovered. At the same place, the informant got information that Mishree Lal Ray (petitioner) was also selling liquor in a hut and on such information, a raid was conducted but the petitioner managed to flee away. 10 litres of liquor is said to have been recovered from the hut of the petitioner.



Learned counsel for the petitioner submits that there is none to identify the petitioner. The petitioner was not apprehended inside the hut from which 10 litres of liquor was recovered. Save and except the secret inputs received by the informant, there is nothing on record to show that the petitioner was selling liquor from the hut.

It appears that the informant received information that Ram Ekbal Bhagat was selling liquor and on such information, Ram Ekbal Bhagat was apprehended and 15 litres of liquor was recovered from his possession. Thereafter the informant got information that the petitioner was also selling liquor. When the petitioner went to raid the place of occurrence, the petitioner managed to flee away. 10 litres of liquor was recovered from the hut of the petitioner.

Having considered 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 taking into consideration the fact that small quantity of liquor weighing about 10 litres was recovered from the hut of the petitioner and dispose of the bail petition of the



petitioner preferably within three days from the date of his
surrender.

(Prabhat Kumar Jha, J)

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