

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21021 of 2020**

Arising Out of PS. Case No.-64 Year-2019 Thana- MAHINDWARA District- Sitamarhi

PAPPU RAI Son of Late Shankar Rai Resident of Village - Nehalpur, P.S.-
Meenapur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 24-09-2020 Heard learned counsel for the petitioner and Ms.
Pushpa Sinha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Mahindwara P.S. Case No. 64 of 2019
registered for the offence under Section 30(a)(b)(c)(f), 37, 41 of
the Bihar Prohibition and Excise Act and Section 25(1-b)a, 27,
35 of the Arms Act, pending in the court of learned Additional
District Judge – II – cum – Special Judge, Excise Act,
Sitamarhi.

Learned counsel for the petitioner submitted before
this Court that the petitioner is not named in the First
Information Report and it is not even known as to how the
petitioner has been brought within the purview of investigation
in this case. Learned counsel submits that although the



petitioner is an accused in four cases as stated in paragraph '3' of the application but he is on bail in two cases mentioned at serial no. 1 & 2 in paragraph '3'.

Learned counsel for the petitioner submits that in paragraph '10' of the petition statement has been made that the petitioner is not in possession of the case diary and from the impugned order it is not clear as to how the name of the petitioner has come in this case.

On the other hand, learned A.P.P. for the State submits that when the vehicle in question was intercepted altogether 3526.2 illicit liters have been recovered and the driver of the vehicle and one more witness present there have stated that in fact this petitioner had also come along with Bachha Sahni but Bachha Sahni had boarded on the vehicle in order to guide the vehicle whereas this petitioner was following the vehicle and it is his money which has been invested in the illicit liquor.

Having noticed that petitioner has got four criminal antecedent out of which three are of similar nature and that there are witnesses in paragraph 16 & 17 of the case diary stating that this petitioner is a companion of said Bachha Sahni named accused and further it is his money which is invested in the consignment, I am not inclined to grant privilege of anticipatory



bail to the petitioner.

Prayer for anticipatory bail of the petitioner is, thus,
refused.

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

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

