IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25002 of 2020
Arising Out of PS. Case No.-98 Year-2020 Thana- TARARI District- Bhojpur

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RAKESH KUMAR RAI S/o Ramji Rai Resident of Village- Karath, P.S.- Tarari, District- Bhojpur. ... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr. Pradeep Narayan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-10-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner apprehends his arrest in connection with Tarari Police Station Case No. 98 of 2020, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the bolero vehicle, which was being driven by the petitioner, was intercepted by the police and recovered a total quantity of 8.640 litres of illicit liquor from the same.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further submits that the petitioner was driving the vehicle in question and going towards his home, but the police intercepted the

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vehicle and demanded the papers of the vehicle and falsely implicated the petitioner in the case.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the vehicle, which was being driven by the petitioner. Accordingly, in view of the aforesaid, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioner surrenders before the learned Court below within a period of four weeks from today and seeks regular bail, the learned Court below may consider his application for grant of regular bail on the same day without being prejudiced by rejection of the present application for grant of anticipatory bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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