

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24467 of 2020

Arising Out of PS. Case No.-840 Year-2019 Thana- SARAIYA District- Muzaffarpur

RAJESHWAR RAI @ RAJESH KUMAR Son of Heera Lal Rai Resident of
Village- Bashuchak, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Nawal; Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-10-2020 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 Saraiya Police Station Case No. 840 of 2019, registered for
the offences punishable under Sections 272/273/34 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is that the police
raided the house of the petitioner and recovered a total quantity
of 842.67 litres of illicit liquor along with 150 litres of spirit
from the fodder house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case inasmuch as



the house in question is a joint family property and the brother of the petitioner has also been arrested in this case and has been granted regular bail by this Court. He further submits that the petitioner has got no criminal antecedent and illicit liquor has not been recovered from the conscious possession of the petitioner.

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 spirit and liquor has been recovered from the house of 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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