

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 13757 of 2020

Arising Out of PS. Case No.-336 Year-2019 Thana- MINAPUR District- Muzaffarpur

Ajay Ray @ Ajay Rai @ Ajay Kumar, aged about 38 years, Gender-Male,
Son of Ram Padarath Ray, Resident of Village-Manikpur Maksoodpur, P.S.-
Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 28-10-2021 Heard Mr. Ravi Ranjan, learned counsel appearing on
behalf of the petitioner and Mr. Madan Kumar, learned counsel
appearing on behalf of the State.

The petitioners apprehend his arrest in connection
with Minapur P.S. Case No. 336 of 2019, dated 28.06.2019
registered for offence punishable under Sections 272, 273, 419,
420, 120B of the Indian Penal Code and Section 30 (a) of the
Bihar Prohibition and Excise Act, 2016.

It appears from the case records that the instant case
has been instituted against the petitioner and others on the basis
of self statement of the informant Dhananjay Kumar, SHO of
Minapur PS under aforesaid sections. It has been further alleged
that police arrived at the Chauraha in between Shahpur and
Madaripur, they saw one parcel container, two pick up van is
standing and 4-5 unknown persons were unloading articles from



Truck and loading on the pick up van. The police arrested one persons, who disclosed his name Rajiv Sahani, and has disclosed other accused indulging in foreign liquor trade namely, Sameer Rai, Ajay Rai (petitioner) and Santosh Rai.

Learned counsel appearing on behalf of the State submitted that on perusal of the case diary at paragraph no. 6 and other paragraphs where it has been stated that in course of investigation the petitioner has been found to be involved in illegal trade. On perusal of paragraph no. 3 of the petition it is stated that the petitioner was earlier made an accused in Excise Complaint Case No. 176 of 2019 under Section 30 (a) of the Bihar Prohibition and Excise Act as well as in PR Case No. 44 of 2019 for the alleged offence under Section 30 (a) of the Bihar Prohibition and Excise Act, in which he is on bail but in Muzarrarpur Excise Complaint Case No. 176 of 2019, the bail of the petitioner has been rejected.

Considering the facts and circumstances of the case and the serious allegation made in the application that he was a regular offender and has involved in illegal trade and also in view of the fact that the recovery of illegal liquor was found from the aforesaid truck as well as pick up van, the alleging complicity of the petitioner cannot be ruled out, this Court is not



inclined to enlarge the petitioner on anticipatory bail as the present petition is not maintainable.

It is further being observed that the present petition is also not maintainable, in view of the Full Bench decision of this Court in case of **Ram Vinay Yadav Vs. The State of Bihar**, reported in **2019 (2) PLJR 1089 (F.B.)** and the provision under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

However, the petitioner may surrender before the Court below (within four weeks from today) and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

Accordingly, the anticipatory bail application stands dismissed as not maintainable.

(Purnendu Singh, J.)

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