

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25964 of 2020

Arising Out of PS. Case No.-530 Year-2019 Thana- MASHRAK District- Saran

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Nawal Rai, Son of Ram Janam Rai, Resident of Village - Bhalua, P.S.-
Taraiya, District - Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Shakir Ahmed, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-01-2021 Heard learned counsel for the petitioner and Mr. Shakir
Ahmed, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Masrakh P.S. Case No. 530 of 2019 registered for the offences punishable under Sections 272, 273, 279, 307, 353, 420, 467, 468, 471 of the Indian Penal Code and Sections 30, 30(a), 36, 38, 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of the apprehended accused. It is submitted that they disclosed that one of the parties to whom the liquours were to be delivered is this petitioner.

Learned counsel submits that there is no such material against the petitioner showing that he is involved in the trade of illicit liquor.



On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. Learned A.P.P. for the State submits that this petitioner has got one criminal antecedent.

When this Court enquired about the fact as to whether the petitioner has got bail in the case stated in paragraph '3' of the present application and why the complete facts have not been stated, learned counsel for the petitioner initially took a plea that he is not aware of the fact as to whether the petitioner has applied for bail in the said case and he sought time to seek instruction.

After few minutes, learned counsel for the petitioner came and informed this Court that prayer for anticipatory bail of the petitioner has been rejected up to this Court in the case stated in paragraph '3'.

When this Court called for a printed copy of the order passed by this Court in the said case, it has been found that the said case was also argued by the same learned counsel. It is now admitted position that learned counsel was fully aware of the fact that prayer for anticipatory bail of the petitioner in the said case has been rejected.

Having regard to the facts and circumstances of the case, wherein this petitioner has got one criminal antecedent in which the anticipatory bail of the petitioner has been rejected up to this Court and now the name of the petitioner has transpired in another case on



the disclosure of the two persons who were apprehended with the vehicle loaded with illicit liquour and it has been found that forged engine and chassis numbers were placed on the said vehicle and then efforts were also made to thrash the police personnel who tried to arrest them, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail 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 its own merit without being prejudiced by the order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

Application is dismissed.

(Rajeev Ranjan Prasad, J)

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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'.

