

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33653 of 2020

Arising Out of PS. Case No.-187 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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MAHENDRA RAY @ MAHENDRA RAI S/o Late Ganaur Rai R/o Village-
Mehsari, Ward No. 07, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Aprajita, Adv.
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-03-2021 Heard Ms. Aprajita, learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Excise Case No. 187/2020
instituted for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

06 litres of liquor is said to have been recovered
from a hut inside the courtyard of the petitioner.

Learned counsel for the petitioner has submitted
that no doubt the recovery is from a hut, but it is situated
outside the courtyard of the house of the petitioner which is



accessible to all & sundry. Apart from this, it has been submitted that the petitioner has got a brother who also is a co-owner of the house and in that event, the recovery cannot exclusively be saddled on the petitioner.

However, these grounds do not weigh with this Court for grant of anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account that the petitioner has clean antecedents and that the recovery is from a hut which according to the petitioner is situated outside the courtyard and there are other claimants of the house also and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition for grant of anticipatory bail has not been entertained.

(Ashutosh Kumar, J)

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