

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38622 of 2020

Arising Out of PS. Case No.-216 Year-2020 Thana- TEGHRHA District- Begusarai

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Rajkishore Ray @ Rajkishore Kumar, Son Of Milan Sarkar Alias Krishna Ray
Alias Sri Krishna Ray, Resident of Village - Daniyalpur, Ward No. 5, Pokhar
Par, P.S. - Teghra, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 27-05-2021 Heard Mr. Sandip Kumar Gautam, the learned

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in anticipation of his
arrest in connection with Teghra P.S. Case No. 216 of 2020,
dated 03.07.2020, instituted for the offence under Section
30(a) Bihar Prohibition and Excise (Amendment) Act, 2018.

25 litres of liquor is said to have recovered from



the fodder room belonging to the petitioner.

The learned counsel for the petitioner has submitted that the fodder room does not have permanent gates and, therefore, there is a possibility of same being accessed by all and sundry. Apart from this, it has been submitted that the aforesaid place of recovery is in joint possession of many other persons in the family of the petitioner. In that case, it has been submitted, the recovery cannot exclusively be saddled upon the petitioner.

However, this Court is not inclined to grant anticipatory bail to the petitioner in this case on the ground of recovery of excisable materials from the enclosed space belonging to the petitioner, which is used as fodder room.

The prayer for grant of anticipatory bail of the petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the Court below and seeks bail, the Court below, after taking into account all the above-noted facts, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been



entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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