

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38486 of 2020**

Arising Out of PS. Case No.-591 Year-2019 Thana- SARAIYA District- Muzaffarpur

=====

UMESH RAI @ SUSHIL KUMAR YADAV @ UMESH SON OF
RAMASRAY RAI, RESIDENT OF VILLAGE-BASANTPURPATTI, P.S.
SARAIYA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr.B.N. Pandey, APP

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 14-07-2021 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Saraiya P.S.
Case No.591 of 2019 registered under Sections 272, 273 of the
Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act.

The informant (S.I. of Saraiya P.S.) alleged that on
05.09.2019 during the course of patrolling he received secret
information that Ram Swaroop Paswan had stored foreign liquor
in his house. After having received such information, the police
raided the house of Ram Swaroop Paswan and recovered
674.410 litres of Indian made foreign liquor. It is further alleged
that the villagers disclosed that the liquor traders, namely,
Ghanshyam Mahto and Umesh Rai had stored liquor in the

house of Ram Swaroop Paswan after paying him money.

Learned counsel for the petitioner submits that nothing is recovered from the house of the petitioner. The entire 674.410 litres of foreign liquor was recovered from the house of Ram Swaroop Paswan. The name of the petitioner surfaced in the case on the so-called disclosure made by villagers. The informant did not name any villager, who disclosed the name of the petitioner but the petitioner has falsely been implicated in the case.

Learned A.P.P., however, opposed the prayer for anticipatory bail and pointed out that the petitioner got criminal antecedent.

Taking into consideration the facts and the nature of allegations made against the petitioner and the fact that the petitioner has got criminal antecedent and he is accused in two other criminal cases registered under different sections of the Bihar Prohibition and Excise Act, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--