

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10518 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- LALGANJ District- Vaishali

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RAJA SINGH @ RAJ KUMAR RAI, aged about 33 years, Male, son of
Binod Singh, R/o Village - Pasaitha, P.S. - Saraiya, District - Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Director General of Income Tax (Investigation), Patna.
3. Enforcement Directorate through Assistant Director/ Deputy Director,
Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 20-12-2021 Heard Mr. Rishi Raj Sinha, learned counsel for the

Income Tax Department, Mr. K.N. Singh, learned Senior
Counsel assisted by Mr. Manoj Kumar Singh, learned counsel
for the Enforcement Directorate and Mr. Ajay, learned counsel
for the State.

Sri Daulat Kumar, Deputy Director, Enforcement
Directorate, Patna Zonal Office, is personally present before this
Court.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The petitioner seeks anticipatory bail in connection
with Lalganj P.S. Case No. 175 of 2020 registered for the
offence under Sections 30(a), 32(2) and 41(1) of the Bihar
Prohibition & Excise Ac, 2018.



In view of the fact that *prima facie* a case under the Excise Act, is made out against the petitioner, this application for grant of anticipatory bail to the petitioner is not maintainable in view of Full Bench decision of this Court rendered in the case of ***Ram Vinay Yadav vs. The State of Bihar*** reported in **2019(2) P.L.J.R. 1089 (F.B.)**.

Accordingly, this anticipatory bail application is dismissed as not maintainable.

In this case, huge quantity of liquor has been recovered and as per the direction of this Court, the State authorities were required to act in this matter.

Considering the fact that now, the State authorities are acting in this matter, there is no need to keep this matter pending.

It has been submitted that despite best efforts made by the Investigating Officer, the Special Judge, Excise, Muzaffarpur, is not issuing warrant of arrest against the accused persons.

It is not expected that Special Judge, Excise, Muzaffarpur, will delay the issuance of warrant of arrest against the accused persons. He is directed to be vigilant, the moment the Investigating Officer files an application for issuance of



warrant of arrest, he should examine the same and pass
necessary orders in this regard in accordance with law.

(Sandeep Kumar, J)

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