

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31418 of 2021

Arising Out of PS. Case No.-719 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. VIJAY RAY @ VIJAY KUMAR S/O UMESH RAY R/o village- Barmatpur, P.S.- Muzaffarpur Sadar, District- Muzaffarpur
 2. Ajay Ray @ Ajay Kumar S/o Umesh Ray R/o village- Barmatpur, P.S.- Muzaffarpur Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-02-2022 At the outset, it is submitted by learned counsel for the petitioner that during pendency of this application, petitioner no.2 has been arrested and, as such, he seeks permission to withdraw this application against petitioner no. 2.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 2.

Heard learned counsel for the petitioner and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Muzaffarpur Sadar P.S. Case no. 719 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar



Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 47.250 litres country made wine from the hut of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. He has got no criminal antecedent. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and taking into consideration that the alleged hut belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner no. 1 and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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