

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39263 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- RAGHOPUR District- Vaishali

Kallu @ Akalu Ray Son Of Kamal Ray Resident Of Village - Mirampur, P.S.
- Raghapur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Raghapur P.S. Case No. 120 of 2022 registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code 30(a)(d) of the Bihar Prohibition and Excise Act, pending in the Court of learned Exclusive Special Excise Court-II-cum-Additional Sessions Judge, Vaishali at Hajipur.

3. As per the prosecution case, allegation against the petitioner is of recovery of 70 liters of country made liquor from the bank the river.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that nothing has been recovered from the conscious possession of



the petitioner. He further submits that on the basis of secret information the name of the petitioner has been transpired in the present case. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case. Hence, the petitioner does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioner has no criminal antecedent and nothing has been recovered from conscious possession of the petitioner.

(Anjani Kumar Sharan, J)

anand/-

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

