

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.309 of 2023

Arising Out of PS. Case No.-423 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Jagarnath Ray Son Of Genalal Ray @ Late Gena Ray Resident Of Mauza-
Banbira, Ward No. 4, Near Halai Bazar, P.S- Halai O.P Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Roop Kishan

For the Opposite Party/s : Mr.Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P for the State.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under Section

30(a) of the Bihar Prohibition & Excise (Amendment)

Act, 2018.

Earlier the prayer for grant of anticipatory bail

of the petitioner was withdrawn vide order dated

22.02.2022 passed in Cr. Misc. No. 20580 of 2021.

There is recovery of 58.905 litres of illicit

Indian made foreign liquor from the *Bathan* of the



petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioner. The recovery has been made from the joint family house and that too from the *Bathan* which is an open place. The petitioner has no concern with the alleged illicit liquor and the place from where the recovery was made does not come in the paternal share of the petitioner. A statement has been made in para 3 of the petition that petitioner is accused in one other case apart from the present one.

In contra, learned A.P.P appearing on behalf the State has vehemently opposed the prayer for bail of the petitioner and submitted that recovery was made from the *Bathan* of the petitioner. Earlier the prayer for anticipatory bail of the petitioner was withdrawn on



22.02.2022 but instead of surrender and pray for regular bail, the petitioner has again filed anticipatory bail petition after 1 and half years for grant of anticipatory bail.

Considering the facts aforesaid, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for grant of bail to the petitioner stands rejected.

The petitioner is directed to surrender before learned Court below within a period of four weeks from today and pray for regular bail which may be considered by the learned Court below without being prejudiced by the order of this Court.

(Sunil Kumar Panwar, J)

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