

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22992 of 2024**

Arising Out of PS. Case No.-161 Year-2023 Thana- CHIRAIYA District- East Champaran

Moti Rai S/o Rudal Rai R/o vill - MOHADDIPUR, P.S. CHIRAIYA, DISTT -  
EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Komal Kumari  
For the Opposite Party/s : Mr. Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      10-05-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chiraiya P.S. Case No. 161/2023 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, informant alongwith the police officials seized 80 liters of country made liquor from a bamboo orchard and mango orchard at village Mohaddipur. It is alleged that local Chowkidar disclosed the name of the petitioner and others who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner has not been found at the place of occurrence and the whole prosecution case is absurd, improbable and seems to be fully concocted and manipulated. The petitioner bears criminal antecedent of three cases of similar nature. On similar and identical allegation, co-accused Dinesh Rai and Mukesh Rai have already been granted anticipatory bail by this court and on the principle of parity, the petitioner also deserves same treatment.

3. Learned APP for the State opposed the prayer of anticipatory bail of the petitioner, keeping in view petitioner having criminal antecedent of three cases of similar nature.

4. Considering the facts and circumstances of the case, case of petitioner stands on different footing to the extent that petitioner having criminal antecedent of three case of similar nature, I am not inclined to grant privilege of anticipatory bail to petitioner.

5. Accordingly, the prayer for anticipatory bail of the



petitioner stands rejected.

**(Alok Kumar Pandey, J)**

Amitkumar/-

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