

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34644 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- MANIYARI District- Muzaffarpur

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Ravi Kumar Ray @ Ravi Kumar Rai S/o Raj Kishor Ray Resident of Village
Gopalpur Taraura, P.S. - Mushahari, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.
For the Opposite Party/s : Mr.Surendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Maniyari P.S. Case No. 70 of 2024 registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code and Section 30(a), 32(1), 32(2), 36, 41(1) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered altogether 6549.83 liters of illicit foreign liquor from three different vehicles. The alleged three vehicles were also seized by the police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case merely on the basis of alleged confessional statement of the arrested person. The petitioner is neither driver nor owner of the seized vehicles and has no concern with the alleged occurrence or the seized liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has six criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Dashrath Kumar and Rajdeep Singh have been granted regular bail by this Court vide orders dated 20.04.2024 and 26.04.2024 passed in Cr. Misc. Nos. 30039 of 2024 and 32254 of 2024 respectively.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner submitting that huge quantity of illicit foreign liquor have been recovered from three different vehicles and the petitioner is alleged to have been involved in illegal trade and sale of illicit foreign liquor. The petitioner has also criminal antecedents of similar nature of offences and, thus, he does not deserve anticipatory bail.



7. Considering the entire facts and circumstances of the case and the petitioner having criminal antecedents of similar nature of offences, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

9. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same shall be considered in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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