

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38559 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- JAYNAGAR District- Madhubani

Rajesh @ Rajesh Ray Son of Rajendra Ray Resident of village Enarva PS
Khajuri (Marar) District Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 88 of 2023, registered on 28.02.2023 for the offences under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, in a drive against illicit liquor, police receive information about smuggling of liquor on two motorcycles from Nepal to India. A trap was laid and two motorcycles were intercepted and three co-accused persons were apprehended and from their possession recovery of 30.900 litres of country made liquor was made. The apprehended co-accused persons disclosed the name of the petitioner who supplied them the liquor and stolen motorcycle.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no recovery of any incriminating article from the conscious possession of the petitioner and he is not the owner of the seized motorcycle. The confessional statement of the co-accused persons have got no legal sanctity. The petitioner has been made accused in this case on the basis of his earlier criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is having one criminal antecedent of similar nature and his anticipatory bail petition is pending and learned APP further submits that the petitioner appears to be resident of Nepal.

6. Having considered the submission of both sides and further considering the criminal antecedent of the petitioner and his place of residence, I do not think a fit case for grant of anticipatory bail and accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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