

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45707 of 2024

Arising Out of PS. Case No.-69 Year-2020 Thana- RAGHOPUR District- Vaishali

Lal Babu Ray S/O Sanjivan Ray @ Sajiban Ray @ Sajivan Ray Permanent
R/O Village-Jafrabad,P.S.-Raghopur, Distt-Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s: Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Raghopur (Rustampur OP) P.S. Case No.69 of 2020, registered
for the offence punishable under Sections 414/34 of the Indian
Penal Code and Section 30(a),(d), 41 of Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the FIR, the allegation against the petitioner is that
he is involved in manufacturing and sale of liquor. Three motor-
cycles and illicit liquor was seized by the police on the spot.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case. No such occurrence, in
the manner as alleged, has ever taken place. There is no specific



overt act against the petitioner. There is no recovery from the conscious possession of the petitioner. He has been made accused only on the basis of suspicion. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail petitioner and submitted that earlier the bail application of the petitioner was rejected by this Court on 17.08.2022 passed in Cr. Misc. No.65120 of 2021 and now this is the second attempt of the petitioner for anticipatory bail. He further submitted that in view of the recent decision of the Supreme Court in the case of **G.R. Ananda Babu vs. State of Tamil Nadu and Another reported in 2021 SCC Online SC 176**, this second anticipatory bail application is not maintainable. It is accordingly, dismissed.

6. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order, preferably on the same day in accordance with law.

(Anjani Kumar Sharan, J)

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