

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81356 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- CHIRAIYA District- East Champaran

Raja Babu Rai Son of Ram Ayodhya Rai R/O Vill.- Motnaje, P.S.- Chiraiya,
Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-12-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Chiraiya Police Station Case No. 209 of 2023, dated 04.05.2023, disclosing offences punishable under Sections 272/273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that illicit liquor has been kept in the house of co-accused Rajesh Rai, raided the house and on seeing the police, two persons succeeded in fleeing away. On search of the house, the police recovered 36 litres of illicit liquor from the motorcycle of the petitioner and 189.6 litres of illicit



liquor from the house of co-Accused Rajesh Rai. The local villagers disclosed the names of persons who fled away from the house as co-accused Rajesh Rai and the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely because he happens to be the registered owner of the motorcycle. He further submits that the petitioner is the own brother of the co-accused Rajesh Rai and he was not present in the house at the time of search and seizure.
5. On the other hand, learned Additional Public Prosecutor opposes the prayer for anticipatory bail and submits that from the motorcycle of the petitioner, a total quantity of 36 litres of illicit liquor has been recovered and the petitioner has got criminal antecedents of similar nature of offence.
6. Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that illicit liquor has been recovered from the motorcycle of the petitioner and the petitioner has got criminal antecedents of similar



nature of offence, I am not inclined to grant the petitioner
privilege of anticipatory bail.

7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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