

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23541 of 2025

Arising Out of PS. Case No.-70 Year-2019 Thana- PAROO District- Muzaffarpur

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Jainath Rai @ Jaynath Ray S/O Jetu Ray @ Jethu Rai R/O Village-
Bhikhanpura, Madhaul, P.S- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Paroo P.S. Case No. 70 of 2019, lodged on 23.02.2019, under Sections 270, 272, 328, 467, 468, 471, 419, 420, 120(B) and 34 of the Indian Penal Code, Section 4/6 of Trade Mark Act and Sections 30, 30(a), 35(e), 36 and 38 of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 8000 litres of spirit and 1927.5 litres of illicit foreign liquor from the



house of one Hari Raj is the subject matter of the present case. The name of the petitioner has figured in the present case by virtue of disclosure made by co-accused Hari Raj.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that other co-accused persons have been granted anticipatory bail in this case by the co-ordinate Bench of this Court vide orders dated 26.09.2019 and 24.01.2020 passed in Cr. Misc. No. 46103 of 2019 and Cr. Misc. No. 70677 of 2019 respectively. Learned Counsel for the petitioner further submits that the case of present petitioner is exactly similar to the co-accused persons to whom anticipatory bail was granted. Counsel for the petitioner further submits that there is one criminal antecedent of the petitioner in which he is on bail.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the case of present petitioner is not exactly similarly as like that co-accused persons due to the reason that their antecedents are clean but petitioner's antecedent is not clean.

6. Hence, in this view of the matter that such a huge quantity of wine has been recovered and the apprehended persons disclosed the name of the petitioner, this Court is not



inclined to grant anticipatory bail to the petitioner, the prayer for
anticipatory bail of petitioner is hereby rejected.

(Dr. Anshuman, J)

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