

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21342 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

1. Chandan Rai @ Chandan S/o Raj Kishore Rai, resident of Village-Samaul Shahpur, P.S. Runnisaidpur, Distt- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Bharat Bhushan (App)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-05-2016

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Runnisaidpur P.S. Case no. 81 of 2016 under sections 22, 273/308 of the Indian Penal Code and section 4(a) of the Excise Act.

It is submitted by the learned counsel for the petitioner that the petitioner was neither apprehended on the spot nor any incriminating article was recovered from his possession.

Learned counsel for the State has opposed the application preferred for grant of pre-arrest bail. He has submitted that the petitioner is named in the first information report with the specific allegation that when the vehicle on which huge quantity

of sprit was being transported, was intercepted by the police, two persons managed to escape and the person arrested disclosed their names as Umesh Rai and Chandan (petitioner).

Having heard learned counsel for the parties and perused the record and regard being had to the nature of allegation made against the petitioner, I am not inclined to grant him pre-arrest bail. Accordingly, the application preferred under section 438(2) of the Code of Criminal Procedure, 1973 is rejected with an observation that in case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced, in any manner, by the order of this Court.

(Ashwani Kumar Singh, J)

Amin/-

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