

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7165 of 2017

Arising Out of PS.Case No. -412 Year- 2014 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Rahul Kumar, S/o Ashok Kumar Singh, Resident of Village- Nayagaon, P.S. Nayagaon, district- Begusarai.
 2. Om Prakash, S/o Late Ram Nandan Singh, Resident of Village- Anandpur, P.S. Muffasil (Manager), District- Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jai Prakash Singh, Advocate

For the Opposite Party : Smt. Anita Kumari Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 28-02-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Begusarai Town P.S. Case No. 412 of 2014, registered for the offences punishable under Sections 273, 290, 120(B) of the Indian Penal code and Section 47 (A) of Excise Act.

Allegedly, the petitioner no. 1 being the owner and petitioner no. 2 being the manager of Beer Bar Restaurant were possessing about 24 liters of whiskey in different bottles as per seizure list and cigarettes etc. also were recovered. The person who was arrested stated that the petitioners used to provide drink to the customers.

Submission is of false implication and that the petitioner no.1 was not present at the time of raid, petitioner no.2



was also not there, they were not arrested at the spot, in their absence search and seizure were made. Their names have come in the confessional statement of co-accused who was caught at the spot and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. submits that the petitioners were indulged in keeping liquor and cigarettes without license.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Begusarai Town P.S. Case No. 412 of 2014, pending in the Court of Sri Bipin Kumar, learned A.C.J.M.-VI, Begusarai.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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