

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16468 of 2019

Arising Out of PS. Case No.-116 Year-2018 Thana- Kesaria District- East Champaran

1. Bujan Rai @ Gunjan Rai @ Budhan Rai, Son of Late Munni Lal Rai Resident of Village- Khijirpur Tola Dumma, P.S.- Kesariya, District- East Champaran.
2. Pramod Yadav @ Pramod Rai @ Pramod Kumar Son of Bujan Rai @ Gunjan Rai @ Budhan Rai Resident of Village- Khijirpur Tola Dumma, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra
For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their arrest in connection with Kesariya P. S. Case No. 116 of 2018 dated 21.04.2018 instituted for the offences under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Approximately 6 litres of liquor is said to have been recovered from the house of the petitioners, but the petitioners were not present at the time of search and seizure. The son of the petitioner no. 1 who is also the



brother of petitioner no. 2 was arrested with the liquor. The house from where the recovery has been made, therefore, belongs to the petitioners as well.

However, the petitioner no. 1 is reported to be shuttling between Bihar and Delhi for his treatment of cancer, in support of which a medical prescription has been shown to this Court.

Regard being had to the fact that the petitioner no. 1 is an elderly person, who is being treated for cancer, this Court deems it appropriate to grant him protection from arrest.

Accordingly, the petitioner no. 1, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Kesariya P. S. Case No. 116 of



2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The prayer for anticipatory bail of petitioner no. 2 is, however, rejected. But, since there is no recovery from his possession and he does not have any criminal antecedents, should he appear before the court below and seek bail, the court below shall look into the entire set of facts and shall pass orders in accordance with law, without being prejudiced with the fact that the present petition has not been entertained by this Court.

(Ashutosh Kumar, J)

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