

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4819 of 2020

Arising Out of PS. Case No.-339 Year-2019 Thana- KHUSRUPUR District- Patna

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1. RANJIT RAI S/o Ishwardhari Rai R/o village- Kurtha, P.S.- Khusrupur, District- Patna
 2. Sanjit Rai S/o Ishwardhari Rai R/o village- Kurtha, P.S.- Khusrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 02-03-2020 Initially it is submitted that petitioner no.1, Ranjit Rai has been arrested, hence, this application with respect to him has now become infructuous.

Accordingly, the present application with respect to petitioner no.1 stands dismissed as having become infructuous.

Heard learned counsel for the petitioner no.2 and learned APP for the State.

Petitioner no.2, Sanjit Rai is apprehending arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.



It is alleged that from the house of the petitioner no.2, Sanjit Rai, 35 litres of country made liquor has been recovered.

It is submitted by learned counsel for the petitioner that the said recovery has not been made from the possession of the petitioner and a statement has been made in paragraph no.3 of the petition that petitioner no.2 is not having any criminal antecedent.

Learned APP for the State submits that the said recovery has been made from the house of the petitioner.

Considering the the nature of recovery, the anticipatory bail application is not maintainable. However, keeping in view the nature of recovery and statement made in paragraph no.3 of the petition to the effect that the petitioner no.2 is not having any criminal antecedent, it is a case for consideration of prayer for regular bail by the learned Court below.

Let the learned Court below consider the prayer for regular bail of petitioner no.2, Sanjit Rai, if he surrenders within a period of six weeks in connection with Khusrupur P.S. Case No. 339 of 2019, pending before the learned Special Judge, Excise, Patna.



With the above observation, this application is,
accordingly, disposed of.

(Dinesh Kumar Singh, J)

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