

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13212 of 2020

Arising Out of PS. Case No.-667 Year-2019 Thana- KUDHNI District- Muzaffarpur

1. Akhilesh Singh @ Akhilesh Kumar (Male) aged about 35 years, Son of Sri Naval Kishor Singh, Resident of Village - Sakari Saraiya, P.S.- Kudhani, District- Muzaffarpur.
2. Amod Singh @ Amod Kumar (Male) aged about 32 years, Son of Subhash Singh Resident of Village - Sakari Saraiya, P.S.- Kudhani, District- Muzaffarpur.
3. Raj Kumar Singh (Male) aged about 60 years, Son of Late Harischandra Singh Resident of Village - Sakari Saraiya, P.S.- Kudhani, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 14-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Jai Prakash Verma, learned counsel for the petitioners and Mr. Awadhesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Kudhani PS Case No. 667 of 2019 dated 12.10.2019, instituted



under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioners is that they were involved in the business of illicit liquor and in connection thereof, there was recovery of 206 bottles of illicit liquor, totalling 53.265 litres from the land of petitioner no. 1, though all three persons are said to have run away when the police reached the spot.

5. Learned counsel for the petitioners submitted that nobody was caught on the spot and the petitioners have been named due to *mala fide* intention only on suspicion. It was submitted that though petitioners no. 1 and 3 have criminal antecedent but petitioner no. 2 has clean antecedent.

6. Learned APP submitted that on specific information given by the local *Chaukidar*, who had identified all the three petitioners, that they were keeping and storing illicit liquor behind the petrol pump at Sakri Saraiya, when the police went there, three persons were seen fleeing away in different directions and managed to escape. Thus, it was submitted that the local *Chaukidar* who knows everybody personally had specifically informed the police party that the petitioners were there dealing in illicit liquor having stored the same behind the petrol pump on the land belonging to the petitioner no. 1 and 3 persons found to be



running away, there is clear indication that all the petitioners are connected to the recovered illicit liquor. Moreover, he submitted that recovery having been made, the petition is also not maintainable in view of bar of Section 76(2) of the Act, which prohibits an application for grant of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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