

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9651 of 2020**

Arising Out of PS. Case No.-535 Year-2019 Thana- BAHADURPUR District- Darbhanga

1. RAJIV KUMAR Son of Ramdev Sahni Resident of Village - Tira Jatmalpur, P.S.- Kalyanpur, Dist.- Samastipur.
2. Roushan Kumar Son of Hari Kishun Ray Resident of Village - Tira Jatmalpur, P.S.- Kalyanpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-08-2020 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Bahadurpur P.S. Case No.535 of 2019 corresponding to G.O. Case No.1086/2019 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the illicit liquor has been shown recovered in front of the gate of lodge in which these two petitioners are staying. It is submitted that these petitioners are students and have no criminal antecedent.



On the other hand, learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners. It is submitted that from the First Information Report and the seizure list it would appear that huge quantity of illicit liquor has been recovered from the gate and also from the rooms in which these petitioners were staying in the lodge. Admittedly, the motorcycle seized by the police also belongs to one of the petitioners. It is submitted that there being prima-facie material to connect these petitioners, in view of the bar created under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 read with judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav Vs. The State of Bihar** reported in **2019(2) PLJR 1089** the petitioners do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, the materials shown in the seizure list and the allegations that huge quantity of illicit liquors were recovered from the rooms in which these two petitioners are staying in the lodge as also that they were indulged in selling of illicit liquor and further on perusal of the case diary having noticed the statement of the witnesses on record, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. The prayer is refused.



This application is dismissed.

In case, however, the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

