

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12910 of 2020

Arising Out of PS. Case No.-748 Year-2019 Thana- CHAPRA TOWN District- Saran

- =====
1. Jitendra Singh, aged about 35 years, Male, S/o Late Nageshwar Singh
 2. Bajrangi Singh, aged about 32 years, Male, son of Raju Singh.

Both residents of Rawal Toal, P.S.-Chapra Town, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-10-2020

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

2. Heard Mr. Harish Kumar, learned counsel for the petitioners and Mr. Nand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. At the outset, learned counsel for the petitioners submitted that petitioner no. 1, Jitendra Singh has already surrendered before the Court below and, thus, the application on



behalf of him be permitted to be withdrawn.

4. In view thereof, the application on behalf of petitioner no. 1, Jitendra Singh stands dismissed as withdrawn and is now restricted to petitioner no. 2, Bajrangi Singh.

5. The petitioner no. 2, Bajrangi Singh apprehends arrest in connection with Chapra Town PS Case No. 748 of 2019 dated 17.12.2019, instituted under Sections 30(a)/41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

6. The allegation against the petitioner no. 2 is that he along with others used to smuggle liquor from Uttar Pradesh which was kept in the house of the persons who have been arrested and from where recovery has been made.

7. Learned counsel for the petitioner no. 2 submitted that only on the basis of confessional statement of co-accused who has been caught and from whose house recovery has been made, the petitioner has also been implicated in the case. It was submitted that only because of local rivalry, other persons had instigated the co-accused to take the name of the petitioner also. Learned counsel submitted that there has been no recovery, either from his conscious possession or from his house. It was further submitted that the petitioner no. 2 has no criminal antecedent.



9. Learned APP submitted that since exactly similarly situated co-accused, petitioner no. 1, who was also co-petitioner in the present case, has surrendered before the Court, the petitioner no. 2 should also do the same, as on merits, a case is made out against him. It was submitted that there was no occasion for the lady who has taken the name of the petitioner no. 2 to implicate him as he was not a person of the locality who was known to her or there was any rivalry between her and the petitioner no. 2. It was further submitted that when the police had raided her house and had recovered liquor from there, there was no occasion or time for any person to tutor her to falsely implicate the petitioner no. 2 also. It was submitted that the mere fact that such huge amount of liquor totalling 667.490 litres in hundreds of bottles of different specifications and variety and Rs. 5000/- cash being found in the house, it is obvious that there was a major chain and racket for bringing such liquor and storing it in the house of the co-accused. Learned counsel submitted that the petitioner no. 2 being involved in such trade does not deserve indulgence.

10. 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 petitioner no. 2.



11. Accordingly, the application on behalf of Bajrangi Singh (petitioner no. 2) stands dismissed.

(Ahsanuddin Amanullah, J)

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