

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13208 of 2020

Arising Out of PS. Case No.-27 Year-2020 Thana- BHAGWAN BAZAR District- Saran

1. Raj Kumari Devi, Female, 25 years, W/o Raju Sah R/o Mohalla- Masumganj, P.S.- Bhagwan Bazar, District- Saran
2. Rudal Sah, Male, 20 years, S/o Badari Sah R/o Mohalla- Masumganj, P.S.- Bhagwan Bazar, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the State : Mr. Raj Kishore 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. Mukesh Kumar Singh, learned counsel for the petitioners and Mr. Raj Kishore Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. Learned counsel for the petitioners submitted that petitioner no. 1 has been arrested and thus he may be permitted to withdraw the application on behalf of petitioner no. 1, Raj Kumari Devi.

4. In view thereof, as prayed by the learned counsel for the petitioners, the application on behalf of petitioner no. 1, Raj Kumari



Devi, stands dismissed as withdrawn and is now restricted to petitioner no. 2, Rudal Sah.

5. The petitioner no. 2 apprehends arrest in connection with Bhagwan Bazar PS Case No. 27 of 2020 dated 10.01.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

6. The allegation against the petitioner no. 2 is that from the field in front of his house, 38 bottles of liquor of various brands, totalling 8.535 litres was recovered.

7. Learned counsel for the petitioner no. 2 submitted that no recovery has been made from his house and the same was made from the field in front of his house for which he is not responsible. Learned counsel submitted that only on suspicion, the petitioner no. 2 has been implicated in the present case. It was further submitted that the petitioner has no criminal antecedent.

8. Learned APP submitted that the recovery is from the field in front of the house of the petitioner and further that if at all petitioner no. 2 was clean, there was no occasion for him to have run away from the house on seeing the police which he did. It was further submitted that once petitioner no. 1, who is lady and wife of the elder brother the petitioner no. 2, has been arrested, the



petitioner no. 2, should also surrender before the Court below and seek bail.

9. 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, Rudal Sah.

10. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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