

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20238 of 2020**

Arising Out of PS. Case No.-67 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Birendra Ray Son of Daroga Rai Resident of Village - Lohri, P.S.- Chapra
Moffasil, Distt - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 08-07-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 47(a) of the



Excise Act, 1915.

The prosecution case, as per the prosecution report submitted by Sanjay Kumar Choudhary, is to the effect that a confidential information was received that liquor is being stored, a raid was laid and from the courtyard (Dalan) of the petitioner, 15 litres of country made liquor were recovered, leading to registration of the case on 17.06.2013.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the case being registered against him and hence, he could not move earlier.

Learned APP submits that the recovery has been made from the courtyard (Dalan) of the petitioner.

Considering the fact that the case was registered in 2013 and the petitioner moved for grant of anticipatory bail before learned Court below in 2020 and thereafter, the present anticipatory bail application has been preferred, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. However, keeping in view the quantity of recovery and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the



learned Court below within a period of eight weeks from today
in connection with Excise Case No. 67 of 2013, pending in the
Court of learned 2nd Additional Sessions Judge -cum- Special
Court Excise, Saran.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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