

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16671 of 2020

Arising Out of PS. Case No.-236 Year-2019 Thana- SIMRI District- Darbhanga

1. AWADHESH MANDAL S/o Late Bhola Mandal Resident of Village-Simri, P.S.-Simri, District-Darbhangha.
2. Rakesh Mandal S/o Awadhesh Mandal Resident of Village-Simri, P.S.-Simri, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das, Adv.
For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-10-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Section 30(a), 41(1) of Bihar Prohibition Excise Act, 2016.

Informant is the police officer, who in his written complaint has stated that while he was on patrolling duty, he received information that Nagendra Mandal and Awadhesh Mandal (petitioner no. 1) are selling wine and also kept in their



house. On information he alongwith other police personnel reached near the house of Awadhesh Mandal and on seeing police party, members of the house fled away. On search 215.070 litres of foreign liquor was recovered from the house of petitioners and co-accused Nagendra Mandal.

It has been submitted on behalf of petitioners that petitioner no. 1 is father and petitioner no. 2 is son and they are innocent and have been falsely implicated in this case due to village politics. Nothing was recovered from the possession of petitioners.

Allegation is recovery of 215.070 lites of foreign liquor from the house of petitioners and co-accused Nagendra Mandal, as such anticipatory bail application is not maintainable and is accordingly dismissed.

However, if petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by this order.

(S. Kumar, J)

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