

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20190 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saharsa

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Ajay Choudhary Son of Late Tikar Choudhary Resident of Village -
Sitanabad, Ward No. - 10, P.S. - Bakhtiyarpur, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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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.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.



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

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition & Excise Act as amended by Amendment Act of 2018(hereinafter referred to as 'the Act').

The prosecution case as per the prosecution report submitted by the S.I. Arun Kumar Rai to the Special Judge, Excise, Saharsa is to the effect that on secret information, the house of the petitioner was raided and from his house, 10 litres of country made liquor was recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from the joint family house.

Learned counsel for the State submits that raid was laid in the house of the petitioner and 10 litres of country made liquor was recovered.



Considering the fact that recovery has been made from the house of the petitioner, this Court is not inclined to grant anticipatory bail, keeping in view the ration laid down in the case of Ram Vinay Yadav Vs. State of Bihar, reported in 2019 (2) PLJR 1089. Learned Court below is expected to dispose of the bail application of the petitioner, if the petitioner surrenders within a period of ten weeks from today in connection with Special (Excise) Case No. 80 of 2020, pending in the Court of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Saharsa.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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