

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21289 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- KHAGAUL District- Patna

1. SONU KUMAR Son of Lalan Chaudhary Resident of Village - Kothwan Murgiachak, P.S.- Khagaul, District - Patna.
2. Kundan Kumar Son of Dineshwari Rai Resident of Village - Kothwan Murgiachak, P.S.- Khagaul, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr.Raj Dular Sah, Advocate
Mr. Raghwendra Kr Pd., Advocate
For State : Mr. Md. Ataur Rahman, (APP)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 21-07-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioners are apprehending arrest in connection with Special Case No. 1482 of 2020 arising out of Khagaul P.S. Case No. 43 of 2020 for offences under 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioner No. 1 has no criminal antecedent and petitioner no. 2 is accused in another case under the SC/ST Act. In the instant case total 104 liters of liquor was seized.

Considering the fact that the liquor was seized from the half constructed house of the petitioner No.1, Sonu Kumar,



learned counsel for the petitioners seeks permission to withdraw the application on behalf of petitioner no. 1.

Permission is granted. The application is, accordingly, dismissed as withdrawn, so far as the petitioner no. 1, Sonu Kumar, is concerned.

However, in the event the petitioner No. 1, namely, Sonu Kumar, surrenders before the Court below and prays for regular bail, the court below shall dispose of the application for regular bail on the same day on its own merit without being prejudiced by withdrawal of his anticipatory bail application.

So far as the petitioner No. 2, Kundan Kumar is concerned, he was earlier made accused in a case under the SC/ST Act and not under the Excise Act. In the instant case there is no recovery from the possession or house of the petitioner No. 2.

Considering the aforesaid, the court is inclined to grant him anticipatory bail. Let the petitioner No. 2, Kundan Kumar, in the event of arrest or surrender within one month from today, shall be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Patna in connection with Special Case No. 1482 of 2020



arising out of Khagaul P.S. Case No. 43 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

On release, the petitioner No. 2 Kundan Kumar, shall render his services as a volunteer for a period of one month in the dedicated Covid-19 Hospital and for which he is required to report to the Civil Surgeon/ Nodal Officer of the concerned region, who shall appropriately utilize his services in the pandemic.

(Anil Kumar Upadhyay, J)

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