

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24117 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- BANIAPUR District- Saran

Subhash Rai S/o Rajendra Rai Resident of Village- Suroudha, P/S- Baniyapur,
District- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. H.K. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-10-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode 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 court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Section 30(a) of the



Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

It is alleged that 400 litres of country made liquor/spirit were recovered which was concealed near the poultry farm of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from an open area near the poultry farm of the petitioner. Though the petitioner is an accused in one other case of similar nature but he is on bail.

Learned APP submits that the huge quantity of country made liquor/spirit has been recovered which was concealed near the poultry farm of the petitioner.

Considering the fact that huge quantity of country made liquor/spirit has been recovered which was concealed near the poultry farm of the petitioner and earlier also the petitioner has been made accused in similar nature of offence, this Court is not inclined to grant anticipatory bail to the petitioner in connection with Baniyapur P.S. Case No. 930 of 2020, pending in the Court of learned 2nd Additional Sessions Judge -cum- Special Judge (Excise), Saran at Chapra.



Accordingly, the prayer for anticipatory bail of the petitioner is rejected and this application is dismissed.

However, the petitioner is directed to surrender before the learned Court below and pray for regular bail which will be considered by the learned Court below without being prejudiced by the order of this Court.

(Anjani Kumar Sharan, J)

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