

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21188 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- BAHADURPUR District- Darbhanga

1. DILIP RAY @ DILIP ROY Son of Late Baiju Roy Resident of Village - Ahila, P.S.- Bahadurpur, District - Darbhanga
2. Ashok Ray @ Ashok Roy Son of Sutu Roy Resident of Village - Ahila, P.S.- Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.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 G.O. Case No. 241 of 2020 arising out of Bahadurpur P.S. Case No. 95 of 2020 for offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent.

Considering the recovery made from the joint house of petitioner No. 2, Ashok Ray @ Ashok Roy, learned counsel for the petitioners seeks permission to withdraw the application for anticipatory bail on behalf of petitioner No. 2, Ashok Ray



@ Ashok Roy in order to enable him to surrender and pray for regular bail before the Court below.

Permission is granted. The application on behalf of petitioner No. 2 is, accordingly, dismissed as withdrawn.

However, in the event the petitioner No. 2, namely, Ashok Ray @ Ashok Roy, 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.

Adverting to the case of petitioner No. 1 Dilip Ray @ Dilip Roy, it appears that his name was disclosed by co-accused Mithilesh Roy, from whose joint house huge quantity of liquor was seized.

Considering the fact that the petitioner No. 1, namely, Dilip Ray @ Dilip Roy has no criminal antecedent and nothing was recovered from his possession, the Court is inclined to grant him anticipatory bail. Let the petitioner No. 1 Dilip Ray @ Dilip Roy, in the event of arrest or surrender within a period of one month from today, 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 Additional Sessions



Judge-II-cum- Special Judge (Excise Act), Darbhanga in connection with G.O. Case No. 241 of 2020 arising out of Bahadurpur P.S. Case No. 95 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

On release, the petitioner No. 1 Dilip Ray @ Dilip Roy 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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