

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22601 of 2020

Arising Out of PS. Case No.-232 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. MANOJ SINGH @ MANOJ RAI Son of Late Ramji Singh @ Ramjeet Rai
Resident of Village- Loharpatti, P.S.- Kuchaikote, District- Gopalganj.
 2. Ritesh Kumar Singh @ Ritesh Kumar Rai Son of Late Ramji Singh @
Ramjeet Rai Resident of Village- Loharpatti, P.S.- Kuchaikote, District-
Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-08-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioners undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the
undertaken period, the office will place the matter again.

Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a



case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case as per the prosecution report submitted by the Inspector, Prohibition, Gopalganj Sadar, to the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj is to the effect that from the poultry farm of the petitioner, total 596.160 litres of Indian Made Foreign Liquor were recovered and accordingly the seizure was made.

Learned counsel for the petitioners submits that the seizure was made on 13.07.2019, whereas the prosecution report has been transmitted to the learned Court below on 14.07.2019. It is further submitted that from the seizure list and prosecution report, it appears that the recovery has been made from non-functional abandoned poultry farm of the petitioners, hence, the recovery cannot be treated from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that huge quantity of illicit liquor has been recovered from the poultry farm of the



petitioners. The seizure has been made in the evening of 13.07.2019, hence the prosecution report was submitted on 14.07.2019. So far as non-mentioning of parentage and address in the seizure list is concerned, the same will be considered during trial.

Considering the nature of recovery, in view of this Court, the present anticipatory bail application is not maintainable. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

However, learned Court below may consider the prayer for regular bail of the petitioners, if they surrender within a period of six weeks, without being prejudiced by the order of this Court, keeping in view that recovery has been made from non-functional poultry farm of the petitioners, in connection with Excise Case No. 232 of 2019, pending in the Court of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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