

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22797 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- ARARIA District- Araria

Md. Izhar @ Kare @ Izhar Alam, Son of Md. Varik @ Varik, Resident of
Village - Hariya Bara Ward No.09, P.S. and Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner is apprehending his arrest in connection with Spl Case No.93/20 arising out of Araria P.S. Case No.62/20 registered for the offence punishable under Section 30(a)/38 of the Bihar Prohibition and Excise Act, 2016, which is pending in the court of learned 2nd Additional Sessions Judge, Araria.



Petitioner's counsel has made submission to the extent that the recovery is from the vehicle, which is owned by the petitioner. He was not present at the time of recovery and has no concern as the Driver was driving the vehicle at the time of recovery. The petitioner has no knowledge what he was carrying in the vehicle. It is submitted that in the circumstance, he would be making his prayer for grant of regular bail by surrendering in the court below.

In view of such submissions, this Court would observe that the court below would be under a legal obligation to consider the aforesaid submissions without being prejudiced by the withdrawal of this application in any way.

The application stands disposed of.

The order is being passed in presence of the learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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