

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26911 of 2020**

Arising Out of PS. Case No.-336 Year-2019 Thana- JAYNAGAR District- Madhubani

DEEPAK KUMAR SINGH @ DEEPAK SINGH S/O- Umesh Singh Resident
of Village - Laskariya, P.S. - Jaynagar, Dist. - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 25-11-2020 This matter was called out yesterday also. Learned counsel for the petitioner was not present. Mr. Ganesh Prasad Singh learned APP for the State was present, this Court thought it just and proper to pass over the matter to enable learned counsel for the petitioner to appear on the next day.

Today, when the matter has been called out, once again learned counsel for the petitioner has not responded.

This Court has inquired from the Technical Assistant and the Bench Officer as to whether link has been duly sent to the learned Advocate for the petitioner and the Court has been informed that he has been duly sent the link.

Mr. Ganesh Prasad Singh, learned APP for the State is present.

In this circumstance instead of adjourning the matter



further, this Court deems it just and proper to consider the prayer for anticipatory bail of the petitioner on the basis of the averments made in the application.

The petitioner in the present case is seeking pre-arrest bail in connection with Jaynagar P.S. Case No. 336 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) Bihar Prohibition and Excise Act, 2016.

It is the submission of the petitioner in his application that the petitioner is innocent, has committed no offence and no occurrence in the manner alleged has ever taken place. In paragraph '9' of the petition it is, however, stated that from the seizure list it appears that the seized wine has been recovered from the Mango garden of the petitioner. His submission in the petition is that he has been falsely implicated at the behest of the village enemy of the petitioner. The petitioner has stated that he has got good academic career and is a man of means.

On the other hand, learned APP for the State has drawn the attention of this Court towards the allegation in the first information report. It is submitted that when the house of the petitioner was raided by police in presence of the co-villagers, from the Mango orchard inside the premise of the



house illicit liquors in huge quantity was recovered. Seizure list was prepared in presence of two independent witnesses and the seizure list has been prepared during the morning hour. It has also come that on seeing the police party the petitioner had fled away.

Learned APP submits that the fact that during the raid nobody was found in the house further shows that the petitioner and his family members had come to know about the arrival of the raiding party and they had fled away on seeing the police party. It is further submitted that in view of the statutory bar and the judgment of the Hon'ble Full Bench of this Hon'ble Court there being a prima-facie connection of the petitioner being the owner of the house and the Mango orchard in the premise from where illicit liquor has been recovered, he does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case and upon noticing that the recovery is from the Mango orchard from the house of the petitioner and it is a prima-facie material against him, considering the statutory bar and the judgment of the Hon'ble Full Bench of this Court in the case of **Ram Binay Yadav Vs. The State of Bihar** reported in **2019 (2) PLJR 1089**, the petitioner does not deserve privilege of pre-



arrest bail. His prayer is thus, refused.

In case the petitioner surrenders and prays for regular bail within a period of four weeks from today before the court below, his prayer for bail shall be considered on its own merit without being prejudiced by the present order.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

