

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23823 of 2020

Arising Out of PS. Case No.-536 Year-2019 Thana- MINAPUR District- Muzaffarpur

1. Sunil Patel, Son of Gauri Shankar Patel, Resident of Village - Chakki Dhab Koilee Bharaw Panchayat, P.S.- Minapur, Distt.- Muzaffarpur.
2. Anil Patel, Son of Ashok Patel, Resident of Village - Chakki Dhab Koilee Bharaw Panchayat, P.S.- Minapur, Distt.- Muzaffarpur.
3. Laxman Bhagat, Son of Late Kailash Bhagat, Resident of Village - Chakki Dhab Koilee Bharaw Panchayat, P.S.- Minapur, Distt.- Muzaffarpur.

... .. 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 : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-10-2020 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 petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Minapur P.S. Case No.536 of 2019 registered



for the offence punishable under Section 30(A)/38(i)/41(i) of the Bihar Prohibition and Excise Act, 2018, which is pending in the court of the learned Special Judge, Excise Act, Muzaffarpur.

Learned counsel for the petitioners submits that the alleged recovery was not from the house of the petitioners. The implication of the petitioners is solely based on the statement of co-accused.

Being faced with the difficulty regarding maintainability of their prayer for bail under the provisions of the Bihar Prohibition and Excise Act, learned counsel submits that by raising these issues, he will approach the court below.

The application is permitted to be withdrawn.

This Court would only observe that the prayer for bail is required to be considered by the court below in accordance with law.

Withdrawal of the instant application should not be held against the petitioners while considering their prayer for bail.

(Madhuresh Prasad, J)

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