

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23587 of 2020**

Arising Out of PS. Case No.-90 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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PINTU RAI Son of Radha Ray Resident of Village - Jantola, P.S. Rivilganj,
Distt. Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 08-10-2020 Learned counsel for the petitioner undertakes to remove the defects within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioner in the present case is seeking pre-arrest bail in connection Excise P.S. Case No.90/2020 registered for the offence under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the recovery of illicit liquor has been shown hidden in the hoard of straw from the Bathan of this petitioner. It is his submission that the hoard of straw remains in open place though inside the Bathan and, therefore, it cannot be taken as conscious possession of the petitioner.

On the other hand, learned APP for the State submits that



the hoard of straw belongs to this petitioner and it is inside his Bathan, therefore if any recovery is being made from the said hoard of straw, it cannot be said that there is no prima-facie material to connect him in the present case.

Having regard to the facts and circumstances of the case and the materials discussed hereinabove, there being some material to connect this petitioner in the present case, in the opinion of this Court, the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 together with 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** shall apply.

The application is, thus, dismissed.

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

The observations given with regard to the period to surrender shall not be construed as any interim protection for the aforesaid period.

(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'.

