

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20935 of 2021

Arising Out of PS. Case No.-417 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

-
1. ARUN CHAUDHARY Son of Ganauri Chaudhary Resident of Mohalla - Mallah Toli, P.S.- Mufassil, District - Gaya.
 2. Ishwardhari Chaudhary Son of Late Basudeo Chaudhary Resident of Mohalla - Mallah Toli, P.S.- Mufassil, District - Gaya.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Raj Kishore Prasad, Advocate.
For the State : Mr. Anant Kumar-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 10-09-2021 At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Arun Chaudhary, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.1, namely, Arun Chaudhary, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Arun Chaudhary.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Arun Chaudhary, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely,



Ishwardhari Chaudhary, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Ishwardhari Chaudhary, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Ishwardhari Chaudhary, apprehends his arrest in connection with Excise Case No.417 of 2020 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, pending in the court of the Special Judge, Excise, Gaya.

The accusation is that in course of search of Liquor Sale Centre of the petitioner no.2, namely, Ishwardhari Chaudhary, and Arun Chaudhary, 5 pouches, each containing 5 liters country made liquor, were recovered, while both succeeded to flee away.

Learned counsel for the petitioner no.2, namely, Ishwardhari Chaudhary, submits that the petitioner no.2, namely, Ishwardhari Chaudhary, was not apprehended on the spot and he has falsely been implicated in this case.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.2, namely, Ishwardhari Chaudhary, I am not inclined to grant the



privilege of pre-arrest bail to the petitioner no.2, namely, Ishwardhari Chaudhary. Accordingly, the prayer of the petitioner no.2, namely, Ishwardhari Chaudhary, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.2, namely, Ishwardhari Chaudhary, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

