

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23192 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- HATHUA District- Gopalganj

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1. ARJUN BAITHA, SON OF SURESH BAITHA, RESIDENT OF VILLAGE- MANICHHAPAR, P.S.- HATHUA, DISTRICT- GOPALGANJ
 2. RAJA KUMAR @ RAJA KUMAR CHAUHAN ,SON OF ASHOK MAHTO, RESIDENT OF VILLAGE- MANICHHAPAR, P.S.- HATHUA, DISTRICT- GOPALGANJ ... Petitioners

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioners : Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party : Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-04-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 25.03.2021, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The learned counsel for the petitioners submits that petitioner no. 2, Raja Kumar @ Raja Kumar Chauhan, during the pendency of this application, has been taken into custody and prays to withdraw the prayer of pre-arrest bail on his behalf.

Prayer is allowed.

This application stands **dismissed as withdrawn** so far it relates to petitioner no. 2, Raja Kumar @ Raja Kumar Chauhan.



The petitioner no. 1, Arjun Baitha, seeks pre-arrest bail in connection with Hathuwa P.S. Case No. 150 of 2020, registered under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty information was received about keeping the liquor in the bush and orchard, situated behind Durga temple in village Piprapati, the informant and other police personnel reached at Piprapati. On seeing the police party, some persons succeeded to flee away from there taking the advantage of fog and dense bush. On search, four cartons, containing 175 bottles, each of 200 ml in volume of 34.400 liters Indian made foreign liquor, recovered. The villagers, present there, disclosed that Arjun Baitha (petitioner no. 1) and Raja Kumar use to carry the liquor from Uttar Pradesh and keep the same in the bush for sale.

Submission is that it would appear from the first information report that petitioner no. 1, Arjun Baitha, was not apprehended on spot nor identified by police personnel, rather it has come in the first information report that villagers disclosed that this petitioner and one Raja Kumar use to carry the liquor from Uttar Pradesh for sale.

Having regard to the facts and circumstances of the



case, let the petitioner no. 1, Arjun Baitha, in the event of surrender/arrest, within a period of four weeks from today, in connection with Hathuwa P.S. Case No. 150 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge II-cum-Special Judge, Excise, Gopalganj, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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