

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24905 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- RAJEPUR District- East Champaran

1. RAVINDRA RAI, Son of Sadhu Saran, Rai Resident of Village - Narhan Got, P.S.- Rajepur, District - East Champaran
2. Devendra Rai, Son of Sadhu Saran Rai, Resident of Village - Narhan Got, P.S.- Rajepur, District - East Champaran ... Petitioners

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioners : Mr. Rajesh Roy, Adv.
For the Opposite Party : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-07-2021 As prayed for, through video conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 27.03.2021, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The learned counsel for petitioners seeks permission to withdraw this application on behalf of petitioner no. 2 (Devendra Rai), as petitioner no. 2 (Devendra Rai), during the pendency of this application, has been taken into custody.

Prayer is allowed.

Accordingly, it stands **dismissed as withdrawn** in respect to petitioner no. 2 (Devendra Rai).

The petitioner no. 1 (Ravindra Rai) seeks pre-arrest



bail in connection with Rajepur P.S. Case No. 169 of 2020, pending in the Court of the Special Judge, Excise Act, East Champaran at Motihari, registered under Sections 272 and 273 of the Indian Penal Code and 30(A) of the Bihar Prohibition and Excise Act, 2016.

On receiving secret information about storage of illicit liquor in village Narhagot, P.S. Rajepur, district East Champaran at Motihari, the informant, along with other police personnel, reached near the house of petitioner no. 1 (Ravindra Rai), then, on seeing the police party four persons succeeded to flee away. The persons present there disclosed the names of four persons, who succeeded to flee away Ravindra Rai (petitioner no. 1), Devendra Rai, Anil Rai and Ajay Rai. On search of house of petitioner no. 1 (Ravindra Rai), several bottles in volume of 320.025 liters Indian made foreign liquor recovered from the straw house of the petitioner.

Submission is that it would appear from the first information report that petitioner no. 1 (Ravindra Rai) was not apprehended on spot and alleged bottles of Indian made foreign liquor are not said to be recovered from the house of petitioner no. 1 (Ravindra Rai) rather the same has been recovered from the straw house.



Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to petitioner no. 1 (Ravindra Rai). The prayer for pre-arrest bail is **rejected** with direction to the petitioner to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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