

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27943 of 2020

Arising Out of PS. Case No.-151 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. SANJAY PATEL, Son of Lakshmi Patel, Resident of Village- Basra Kazi, P.S.- Saraiya, District- Muzaffarpur
2. Ranjay Patel, Son of Shambhu Patel @ Shambhu Ray, Resident of Village- Basra Kazi, P.S.- Saraiya, District- Muzaffarpur ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Raghvendra Prasad Singh, Adv.
For the Opposite Party : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-02-2021 At the very outset, learned counsel, Sri Raghvendra Prasad Singh, holding the brief of Sri Nachiketa Jha, submits that petitioner no. 1, Sanjay Patel, has already been apprehended by the police, as such, petitioner no. 1 does not want to press this application for pre-arrest bail.

Accordingly, this application is dismissed as having become infructuous in respect to petitioner no. 1, Sanjay Patel.

As prayed for, let the learned counsel for the petitioner remove the defect(s), as point out by the office vide it's note, dated 17.10.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for petitioner no. 2 and learned Additional Public Prosecutor for the state.

The petitioner no. 2 seeks pre-arrest bail in connection



with Sriya (Jaitpur O.P.) P.S. Case No. 151 of 2020, registered under Sections 272 and 273/34 of the Indian Penal Code and 3(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accusation is that on 08.03.2020, informant along with other police personnel received information to the effect that Satan Patel, Sanjay Patel and Ranjay Patel (petitioner no. 2) are selling the liquor in village Barsa Kazi concealing the same behind the hut situated at Basra Chowk. Thereafter, the informant and along with other police personnel proceeded near the Basra Chowk canal and search behind the hut of Arun Singh from where 120 bottles, each containing 500 ml bear recovered while Satan Patel, Sanjay Patel and Ranjay Patel (petitioner no. 2) were searched, but, they succeeded to flee away.

Submission is that it would appear from the first information report that the petitioner no. 2 and two others have been named in the first information report on the basis of the secret information by the informant indulging in selling the liquor, but, it is not detailed how the informant came to know the name of Ranjay Patel (petitioner no. 2) while he was not found on the place of occurrence. The petitioner no. 2, Ranjay Patel, has no criminal antecedent.



Having regard to the facts and circumstances of the case, let the petitioner no. 2, Ranjay Patel, in the event of surrender/arrest, within a period of four weeks from today, in connection with Sriya (Jaitpur O.P.) P.S. Case No. 151 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 Special Judge, Excise Act, Muzaffarpur, 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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