

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30694 of 2020

Arising Out of PS. Case No.-282 Year-2019 Thana- RIGA District- Sitamarhi

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Dharmendra Sah @ Dharmendra Kumar, age 30 years, Gender-Male, son of late Dashrath Sah, resident of village Punaura West Muslim Tola, Ward No. 1, P.S. - Punaura, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the State : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-02-2021

Heard Mr. Virendra Kumar, learned counsel for the petitioner and Mr. Lalan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Riga PS Case No.282 of 2019 dated 15.10.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

3. The allegation against the petitioner is that he was working together with his brother, Naga Sah, who was arrested with 3324.960 litres of foreign liquor.

4. Learned counsel for the petitioner submitted that he has been falsely implicated only because his brother was caught sitting in the truck from which recovery was made. Learned



counsel submitted that his brother has also been granted bail and the other co-accused whose name was taken by Naga Sah has been granted anticipatory bail.

5. Learned APP submitted that the petitioner was in business with his brother, Naga Sah, who was caught on the truck carrying liquor and further, against him there are three other cases; two of them being under the Act and, thus, he is a habitual offender.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the Court below within four weeks from today and prays for bail, the same shall be considered, on its own merit, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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